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Review of United States Supreme Court's Work

The article that follows is the eighth in a series briefly summarizing the highlights and work of the Supreme Court during its last term. The previous articles reviewed the highlights and statistics of the Term and decisions on business regulation, taxation, labor relations, jurisdiction and procedure and criminal law.

DECISIONS ON CRIMINAL LAW AND PROCEDURE

Three times last Term in criminal law cases the Supreme Court was called upon to define the scope of opinions that had antagonized members of Congress and prompted the introduction of bills designed to curb the Court's review powers. On each occasion the same five-justice majority reached a decision that was more likely to mollify than to further irritate the Court's critics.

Jencks Act

The "sharp controversy" over the Jencks case, 353 U.S. 657, 25 W 4365, may have been blunted by a holding that the so-called Jencks Act, Section 3500 of the Criminal Code, provides the exclusive means for compelling the production of a government witness' pretrial statement for the defendant's inspection at the trial. The Jencks opinion itself was characterized as an exercise of the Court's power to prescribe federal criminal procedures rather than an application of federal constitutional requirements.

In Jencks, the Court had specifically disapproved the practice of having the judge preliminarily examine the witness' prior statements to determine if they contained material inconsistent with his testimony. Applying the statute, however, the Court gave the government permission to submit the statements to the trial judge for an in camera determination of whether the production of the particular statement is compelled by the statute.

"Any other procedure would be destructive of the statutory purpose," Mr. Justice Frankfurter reasoned. "The statute governs the production of documents; it does not purport to affect or modify the rules of evidence regarding admissibility and use of statements once produced. The Act's major concern is with limiting and regulating defense access to government papers, and it is designed to deny such access to those statements which do not satisfy the requirements of (e), or do not relate to the subject matter of the witness' testimony. It would indeed defeat this design to hold that the defense may see statements in order to argue whether it should be allowed to see them.

"It is also the function of the trial judge to decide in light of the circumstances of each case, what, if any, evidence extrinsic to the statement itself may or must be offered to prove the nature of the statement."

But the opinion dealt in greater detail with the Act's provisions for the production of summaries of oral statements. "It is clear that Congress was concerned that only those statements which could properly be called the witness' own words should be made available to the defense for purposes of impeachment. * * * We think it consistent with * * * legislative history, and with the generally restrictive terms of the statutory provision, to require that summaries of an oral statement which evidence substantial selection of material, or which were prepared after the interview without the aid of complete notes, and hence rest on the memory of the agent, not to be produced. Neither, of course, are statements which contain the agent's interpretations or impressions. In expounding this standard we do not wish to create the impression of a 'delusive exactness.' The possible permutations of fact and circumstance are myriad."

A mere footnote disposed of a suggestion that the Act is unconstitutional. The statute is "a reasonable exercise of power over the rules of procedure and evidence."

Although they agreed with the affirmance of the particular conviction before the Court, the

(Continued on page 5, col. 1)

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Award Winning T-V Series of Supreme Court Cases To Be Shown

The award-winning television series, "Decision: The Constitution in Action," will be presented for the first time in New York on Sunday, Septemer 20, by WRCA-TV in cooperation with the Columbia University Club Foundation.

The six-part series of half-hour films, which depict some of the U.S. Supreme Court's most important cases, will be shown each Sunday at noon through October 25.

The program has received two national television awards this year. Last month one film in the series, "The Constitution: Whose Interpretation?" received the American Bar Association's Gavel Award for "increasing public understanding of American justice." Earlier this year the series received the Sylvania Television Award as the nation's outstanding non-commercial educational television program of 1958.

Each of the "Decision" programs deals with a U.S. Supreme Court decision of the present century involving a question of constitutional interpretation. The series focuses on cases involving employment standards, labor unions, right-to-vote issues, censorship, military power and social security practices.

"Decision" is unique in that the cases were re-enacted by many of the persons who were involved in the historic cases. These persons include judges, lawyers, and parties on both sides of the disputes. To present additional authenticity, the films were made in the communities where the action took place.

The dates and titles of each program to be shown on WRCA-TV, channel 4, follow:

September 20: The Constitution and the Right to vote
September 27: The Constitution and Military Power
October 4: The Constitution and Censorship
October 11: The Constitution and the Labor Union
October 18: The Constitution and Employment Standards
October 25: The Constitution: Whose Interpretation?

Notice To The Bar

Effective September 9, 1959, Rule 1:12-1(a) makes domicile in New Jersey a prerequisite for the practice of law here. Any member of the bar who at the time of the adoption of the amendment (May 11, 1959) was domiciled outside New Jersey may apply to the Supreme Court for a relaxation of the rule by filing a petition (original and 7 copies) setting forth all the facts and circumstances.

Edward M. McConnell
Administrative Director
of the Courts.

Opinions Approved For Publication

September 8 to 14, 1959

NOTE: Copies of the opinions listed below have been sent to each county law library. Any member of the bar may secure a copy of the opinion in any particular case, without charge, by writing to the Clerk of the Supreme Court, State House Annex, Trenton.

SUPREME COURT

Appeals—None

Petitions for Certification Granted—None

SUPERIOR COURT APPELLATE DIVISION

Trenton v. Fowler-Thorne Co. et al (A-114-58, decided September 10, 1959)

Affirmed order denying defendants' motion to dismiss contract action for defects in public building as barred by statute of limitations, which expired between time of unauthorized commencement of action by director of department involved and time of resolution by board of commissioners ratifying the institution of action. Defect in director's authorization was only technical where bringing of action was implementation of undisputed city policy and for vindication of valuable public rights. Test for allowing ratification **ab initio** is whether rights of other party are of such a nature and have been acquired in such a way that allowing them to be changed would result in substantial prejudice or injustice.

Supreme Court Backlog Decreases; All Others Increase

Preliminary Report For 1958-1959 Shows Increase In Pending Cases Despite Greater Number Disposed Of

Edward B. McConnell, Administrative Director of the Courts, released a preliminary report yesterday on the work of the courts for the court year 1958-1959 and on the calendar conditions in all courts as of August 31, 1959. The report indicates that the number of cases pending on August 31, 1959 increased sharply over the number pending a year earlier in all courts except the Supreme Court despite increases in the number of cases disposed of in each court during the 1958-1959 court year over the 1957-1958 year.

In the Supreme Court, the number of appeals pending on August 31, 1959 was 28, a decrease of 33% from the preceding year. In the Appellate Division, however, 487 appeals were pending — an increase of 26%.

Trial Divisions

The Law Divisions of the Superior and County Courts had 15,-

(Continued on page 4, col. 5)

Clapp Heads Constitutional Convention Association

To Review Some Aspects of 1947 Constitution: Suggestions Invited

Alfred C. Clapp was elected President of the New Jersey Constitutional Convention Association at a meeting of the Association at Princeton, last Saturday. Other officers elected were Joseph Cowgill, Minority leader of the Senate, as Vice President of the Association; Sidney Goldmann, Senior Judge, Appellate Division, Superior Court, as Historian-Archivist; Herman Crystal as Secretary; and John L. Montgomery as Treasurer. The following members were elected to the association: Joseph Harrison, Editor of the Law Journal; Archibald Alexander former State Treasurer, now President, Free Europe Inc; Frederick W. Hall, Justice of the Supreme Court; W. Orvyl Schalick, Judge of the Superior Court and William F. Hyland, former Speaker of the Assembly.

Mr. Clapp said at the meeting that his plan was to have the Association review during the ensuing year 2 or 3 aspects of the New Jersey Constitution of 1947. Under his proposal, the Executive Committee of the Association would be asked to designate the 2 or 3 topics and it would also appoint some qualified person or group to make a study of them to the end that drafts of constitutional amendments or other concrete proposals, with arguments pro and con, be put into the hands of members of the Association substantially in advance of the next annual meeting, at which time they could be debated and passed upon. The determination of the Association, if in favor of an amendment, could then be brought before the Legislature. If this practice were followed by the Association in the future, Mr. Clapp said, we would have a continuing body whose principal function is to make a critical study and reappraisal of the fundamental charter, and from time to time, when appropriate, come forward with constructive proposals for its improvement.

He asked to have sent to him suggestions as to the topics to be dealt with during the next year.

Opinion On Ordinance Codification Services

Editor's Note: The ABA UPL Committee adopted the following Informative Opinion at its meeting in Atlanta, Georgia, in February, 1958. The Committee has recently received several complaints, to the effect that lay groups calling themselves Ordinance Codification Service Companies, have been active in soliciting municipalities to enter into contracts for law work of this sort. It is therefore deemed important that this Informative Opinion be given wide publicity.

* * *

Informative Opinion A Of 1958 Opinion Concerning Municipal Ordinance Codification Service

Several inquiries have been submitted to this committee as to the activities of corporations in various states which are engaged in soliciting contracts with municipalities which provide for the codification of municipal ordinances and various other related services. This opinion is written to answer generally the questions which have been posed.

Under one of these contracts which we believe to be typical, the codification corporation proposes to perform the following services:

1. Codify and print the ordinances.
2. Classify the ordinances according to subject.
3. Check the ordinances against the corresponding provisions of the state law so as to make the ordinances parallel and not in conflict with such state law.
4. Check the ordinances against the decisions of the State Supreme Court to insure constitutionality and validity of the provisions of the new ordinance codification.
5. Preparation of catchlines, historical data and rearrangement of sections.
6. Presentation of new recommended ordinances or amendments to existing ordinances for submission to city officals and for examination and approval of the city council and city attorney.
7. Preparation of a new traffic regulation chapter based on state law.

It is the opinion of the committee that those provisions of this agreement which require purely ministerial and mechanical work are not objectionable and do not constitute the unauthorized practice of law. However those services undertaken through this agreement which require the exercise of legal knowledge and the rendition of legal services do constitute the unauthorized practice of law.

The services proposed to be rendered in the 3rd, 4th and 7th paragraphs enumerated above by this corporation require it to render legal opinions upon the validity of specific ordinances. These conclusions will of necessity be based upon the opinions of the corporation's employees as to the legal effect of state statutes and state Supreme Court decisions and any corporation or layman who performs this service is engaged in the unauthorized practice of law.

As to whether or not the mere recommendation of new ordinances by a corporation of this type is unauthorized practice, we do not decide. This work may or may not constitute giving legal advice depending on the facts and circumstances in each case.

American Bar Association
Standing Committee on the
Unauthorized Practice of the
Law

Morris Bar Dinner Meeting

Election of Officers and Consideration of Minimum Fee Schedule On Agenda

The Morris County Bar Association will hold a dinner meeting on September 23, at 7:00 P.M. at the Spring Brook Country Club in Morristown. The principal purpose of the meeting will be the election of officers and consideration of a minimum fee schedule.

The facilities of the club will be open to any members of the association who desire to play golf earlier in the day.

Review of Supreme Court's Work

(Continued from page 1)

Chief Justice, Mr. Justice Brennan (the author of Jencks) Mr. Justice Black, and Mr. Justice Douglas felt that the majority ranged "far afield of the necessities of the case" in attempting "a general interpretation" of the Act. They objected in particular to the conclusion that the statute is the sole vehicle for obtaining the production of government witnesses' pretrial statements, raising Sixth Amendment arguments that suggested they may not have agreed with the majority as to the nature of the Jencks decision. (Palermo v. U.S., 27 4471)

Harmless Error

These four justices did dissent when the Court affimed a Third Circuit holding that it was "harmless error" to deny a defendant access to a letter a key witness had written to the Assistant United States Attorney informing him that her memory of the important events had "dimmed." The error was found to be rendered harmless by the fact that the same information had been brought out under cross-examination.

The dissenters reminded the majority that the Jencks opinion stated that only the defense is adequately equipped to determine [the statement's] effective use for purpose of discrediting the government's witness. They would not have let the court of appeals "second-guess defense counsel as to the possible use of the letter on cross-examination." (Rosenberg v. U.S. 27 LW 4478)

Then, in another opinion handed down the same day, the 5-4 majority decided that neither the statute nor the Jencks decision gave a federal criminal defendant an absolute right to inspect an important government witness' grand jury testimony on matters relating to his trial testimony. The Court said the statute does not apply to grand jury minutes—that their production is still governed by FRCP 6(e).

This time the dissenters did not quarrel with the interpretation of the statute, but seemed to take the position that the requirements of Rule 6(e) had been met. (Pittsburgh Plate Glass Co. v. U.S., 27 LW 4464)

When Mr. Justice Stewart declined to participate in the decision of three other similar cases, they had to be affirmed by an equally divided Court. (Lev v. U.S.; Wool v. U.S.; Rubin v. U.S.; 27 LW 3361)

Congressional Investigations

Next, the Court took some of the sting out of Watkins v. U.S., 354 U.S. 178, 25 LW 4510. The divided Court upheld the right of the House Un-American Activities Committee to inquire into a teacher's past or present Communist Party membership. The Court found no First Amendment violation in such an inquiry again reverting to the "balancing * * * of * * * private and public interests" it employed in the Dennis case, 341 U.S. 494. The strict requirements of a Smith Act prosecution, delineated in Yates v. U.S. 354 U.S. 298, 25 LW 4475, "are not the measure of the permissible scope of a congressional investigation into 'overthrow.'

It was made clear in the opinion that the Court has no intention of denying Congress investigatory powers every time the field of education is involved or the purpose of Congress is "exposure." "So long as Congress acts in pursuance of its constitutional power, the judiciary lacks authority to intervene on the basis of the motives which spurred the exercise of that power."

A suggestion that the Watkins case declared House Rule XI, 83rd Congress, too vague to be an effective grant of power to the Committee was rejected. The Watkins conviction was reversed the Court explained, solely on the ground that Watkins had not been adequately apprised of the subject matter of the Committee's investigation or the pertinency thereto of the questions he refused to answer.

The four dissenters—the Chief Justice, Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Brennan—refused to accept the thesis "that laws directly abridging First Amendment freedoms can be justified by a congressional or judicial balancing process." Nor was the minority willing to go along with the notion "that this Nation's security hangs upon its power to punish people because of what they think, speak, or write about, or because of those with whom they associate for political purposes." (Barenblatt v. U.S., 27 LW 4366)

It was a unanimous Court that reversed the contempt conviction of a Senate committee witness who was given ten days from the return date of a subpoena duces tecum to produce union membership lists and then was held in contempt for failing to produce the lists on the subpoena's return date. (Flaxer v. U.S., 27 LW 4048)

State Sedition Laws

Pennsylvania v. Nelson, 350 U.S. 497, 24 LW 4165, was the third decision to have its borders carefully surveyed and marked. The Smith Sedition Act was held not to deprive a state of power to proceed with prosecutions for sedition against the state itself. Hence the Smith Act was held not to deprive a state legislature of the power to conduct investigations of subversive activities. According to the majority, all this is clear from the language of the Nelson opinion itself.

In the particular case before the Court, the operator of a summer camp shown to have connections with organizations on the U.S. Attorney General's list had refused to supply a New Hampshire legislative committee with the names of the camp's guests. Because "the academic and political freedoms discussed in Sweezy v. New Hampshire, 354 U.S. 234, 25 LW 4526, are not present here in the same degree," the majority decided that the Fourteenth Amendment's Due Process Clause did not prevent the committee from compelling production of the guest list. The summer camp "is neither a University nor a political party," the opinion explained.

Moreover, ample evidence of a connection between the summer camp and subversive activities was present.

"The investigation was, therefore, undertaken in the interest of self-preservation, "the ultimate value of any society' * * * This government interest outweighs individual rights in an associational privacy which, however real in other circumstances * * * were here tenuous at best."

The dissenters were convinced that the only purpose of the investigation was exposure for exposure's sake. * * * It was logical that the adverse effects of unwanted publicity—of exposure—as concomitants of the exercise of the investigatory power, should come to be recognized, in certain circumstances, as invading protected freedoms and offending constitutional inhibitions upon governmental actions. For in an era of mass communications and mass opinion, and of international tensions and domestic anxiety, exposure and group identification by the state of those holding unpopular and dissident views are fraught with such serious consequences for the individual as inevitably to inhibit seriously the expression of views which the Constitution intended to make free. * * * We gave expression to this truism in NAACP v. Alabama: 'This Court has recognized the vital relationship between freedom to associate and privacy in one's associations. * * * Inviolability of privacy in group association may in many circumstances be indispensable to preservation of freedom of association, particularly where a group espouses dissident beliefs." 357 U.S., at 462." (Uphaus v. Wyman, 27 LW 4394)

Two other contempt convictions of state legislative committee witnesses were set aside by unanimous vote. Ohio had relied upon its witness-immunity statute as a basis for contempt convictions of witnesses for refusing, on self-incrimination grounds, to answer certain questions after the Commission had assured them that the privilege was available. This state action was labeled a type of "entrapment" that violated the Fourteenth Amendment's Due Process Clause. (Raley v. Ohio, 27 LW 4450)

The failure of a Virginia legislative committee on racial activities clearly to inform a recalcitrant witness of the inquiry's purpose and the pertinency of the questions concerning his activities in racial-integration groups invalidated that witness' contempt conviction. (Scull v. Virginia, 27 LW 4311)

Finally, the Court filed, with its denial of a writ of mandamus to the Alabama Supreme Court, an opinion explaining its mandate in NAACP v. Alabama, 357 U.S. 449, 26 LW 4489. The Alabama court, which had again affirmed the overturned contempt sentences, was informed that it misunderstood what had occurred at the first appeal—that concessions made by the State of Alabama had eliminated matters thought by the Alabama court to be still in the case. (NAACP v. Patterson, 27 LW 3349)

Double Jeopardy

The peculiar relationship between our federal and state governments also produced landmark decisions on the subjects of double jeopardy and self-incrimination. By [illegible] votes the Court reaffirmed the rules that both sovereigns can prosecute an offender for the same criminal act and that a state need not accord a witness a privilege against incriminating himself of a federal crime.

Of course, the federal government's power to proceed in the wake of a state prosecution depends upon the scope of the Fifth Amendment. But the majority cited a series of cases culminating in U.S. v. Lanza, [illegible] U.S. 377—clearly [illegible]

(Continued on page 3 [illegible])

Knowles Heads Bar Presidents Group

CHICAGO (ACCN)—Edward G. Knowles of Denver, former president of the Colorado Bar Association, was elected chairman of the National Conference of Bar Presidents. Knowles succeeds Karl C. Williams of Rockford, Ill.

The national organization met at Miami Beach in connection with the American Bar Association's 82nd annual meeting. The NCBP is composed of past and present presidents of all local and state bar associations from the 50 states, the District of Columbia and U.S. territories.

Knowles received his law degree from the University of Colorado in 1916. He is a member of the ABA House of Delegates representing the state of Colorado.

Other officers elected to serve for the coming year were:

Vice Chairman, Joseph A. Ball of Long Beach, Calif., state delegate in the ABA House of Delegates; secretary, [illegible] Makepeace of Providence, R.I.; and treasurer, Charles W. Pettengill of Greenwich, Conn.

Elected to serve for two-year terms on the council were: Earl F. Morris, Columbus, Ohio; Walter E. Alessandroni, Philadelphia, Pa.; and Henry J. [illegible], Orange City, Iowa.

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Review of Supreme Court's Work

(Continued from page 2)

the Fifth Amendment does prevent the federal prosecution. "Undesirable consequences would follow if Lanza were overruled * * * As was there pointed out, the States are free to prosecute criminal acts violating their laws, and the resultant state prosecutions bar federal prosecutions based on the same acts, federal law enforcement must necessarily be hindered." (Abbate v. U.S., 27 LW 4225)

In the other double-jeopardy case a state court had convicted a man who had already been acquitted by a federal jury. In this situation it was the Fourteenth Amendment's Due Process Clause that had to be applied and Palko v. Connecticut, 302 U.S. 319, established that the Fourteenth Amendment does not impose the requirements of the Fifth Amendment's double jeopardy clause upon the states. Speaking for the majority, Mr. Justice Frankfurter declared that "precedent, experience, and reason alike support the conclusion" that the state prosecution does not constitute a deprivation of due process. (Bartkus v. Illinois, 27 LW 4233)

The Chief Justice, Mr. Justice Black and Mr. Justice Douglas dissented in both cases. They argued that the precedents relied on by the majority "assumed that identical conduct of the accused might be prosecuted twice, once by a state and once by the federal government, because the 'offense' punished by each is in some meaningful sense different. The legal logic used to prove one thing to be two is too subtle for me to grasp." They insisted that the majority holding established a constitutional rule that Congress itself rejected when it was considering the Bill of Rights. See 1 Annals of Congress 753 (1789).

Mr. Justice Brennan, who wrote the majority opinion sustaining the federal prosecution, dissented in the other case. Because federal authorities instigated the state prosecution, he felt that the state's action was actually a second federal prosecution.

Self-Incrimination

The holding that a state grand-jury witness given state immunity has no right under the Fifth Amendment to withhold answers that might show a federal violation was a mere per curiam order citing Knapp v. Schweitzer, 357 U.S. 3371, 26 LW 4528.

In the view of the Chief Justice, Mr. Justice Black, and Mr. Justice Douglas, who dissented, "the Knapp decision when taken in conjunction with Feldman v. United States, 322 U.S. 487, means that a person can be convicted of a federal crime on the basis of testimony which he is compelled to give in a state investigation. This opens vast opportunities for calculated efforts by state and federal officials working together to force a disclosure in a state proceeding and to convict on the basis of that disclosure in a federal proceeding". Since there were indications that the state had been used as an instrument of federal investigation, the dissenters maintained that this case presented a question left open in Knapp—Whether, where a state is used as an instrument of federal investigation, the witnesses can successfully assert their federal privilege against self-incrimination in the state proceedings. (Mills v. Louisiana, 27 LW 4420)

Health Inspections

Mr. Justice Brennan rejoined the dissenters when the court sustained the conviction of a homeowner under a local health code for resisting a health officer's mid-afternoon inspection of his dwelling without a warrant after the officer had found evidence of rodent infestation of the property.

The majority emphasized the facts that the inspection had been attempted at a convenient time in the middle of the day and after the health inspector had already found outside evidence of rodent infestation. In these circumstances, the constitutional "liberty" the homeowner had asserted "is the absolute right to refuse consent for an inspection designed and pursued solely for the protection of the community's health."

No evidence for criminal prosecution is sought in such an inspection, the opinion pointed out. The homeowner is simply directed to do what he could have been ordered to do without any inspection—remedy a situation that creates a hazard to the health of the community.

Mr. Justice Frankfurter insisted that "inspection without a warrant, as an adjunct to a regulatory scheme for the general welfare of the community and not as a means of enforcing the criminal law, has antecedents deep in our history. * * * Certainly, the nature of our society has not vitiated the need for inspection first thought necessary 158 years ago, nor has experience revealed any abuse or inroad on freedom in meeting this need by means that history and dominant opinion have sanctioned."

The dissenters took the position that the majority decision "greatly dilutes the right of privacy which every homeowner had the right to believe was part of our American heritage. We witness indeed an inquest over a substantial part of the Fourth Amendment." (Frank V. Maryland, 27 LW 4304).

Right to Counsel

On the basis of In re Groban, 352 U.S. 330, 25 LW 4166, the Court sustained—against an attack under the Fourteenth Amendment's Due Process Clause—a New York judge's exclusion of witnesses' counsel from the hearing room during a preliminary investigation of charges of unethical practices by some members of the bar. Although it has been held that in state criminal proceedings a defendant has an unqualified right to be represented at the trial by retained counsel, the opinion observed, the Court has never extended that right to the investigative stages of such proceedings.

The Chief Justice, Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Brennan had dissented in the Groban case and were of the same opinion still. They "think it violates due process for a judge no less than for a fire marshal to compel testimony to be given incommunicado. In fact it was Star Chamber judges who helped to make closed-door court proceedings so obnoxious in this country that the Bill of Rights guarantees public trials and the assistance of counsel." (Anonymous Nos. 6 and 7 v. Baker, 27 LW 4426)

In other appeals from state convictions, the Court held:

The Federal Constitution precludes a state from requiring an indigent defendant in a criminal case to pay a filing fee as a condition of permitting him to file a motion for leave to appeal to its highest court. (Burns v. Ohio, 27 LW 4434)

An Illinois murder defendant was deprived of due process by the prosecutor's failure to correct a prosecution witness' testimony that the prosecutor knew to be false; the fact that the false testimony went only to the witness' credibility is of no consequence. (Napue v. Illinois, 27 LW 4437)

The Fourteenth Amendment invalidates a New York murder conviction based in part on a confession obtained from a foreign-born youthful defendant, with no prior arrest record, after eight hours of nighttime questioning at which he was repeatedly denied the right to see his lawyer and was importuned by a friend on the police force who played on his sympathies by falsely stating that he had gotten the policeman into trouble with police department officials. (Spano v. New York, 27 LW 4483)

A Florida state court deprived an uneducated 20-year-old farm boy of a fair trial on a burglary charge, supported only by an alleged accomplice's testimony, when it refused to grant a request for an opportunity to retain counsel or for appointment of counsel after the boy's first attorney, who had obtained a hung jury in a previous trial, had withdrawn from the case a few days before the second trial. (Cash v. Culver, 27 LW 4108)

An Oklahoma state court's consideration of the murder of the kidnap victim when it sentenced a defendant to death on a kidnapping charge after life imprisonment had been imposed on him for murder did not deprive the defendant of due process or result in double punishment for the same offense. (Williams v. Oklahoma, 27 LW 4126)

The procedure for obtaining federal-court review of a state-court conviction was the subject of still another 5-4 decision. According to the majority, the doctrine of exhaustion of state remedies embodied in 28 U.S.C. 2254 does not bar resort to federal habeas corpus if the highest state court has passed on the accused's federal constitutional claims, even though the state court could have based its decision on a state ground. For this proposition, the majority cited Wade v. Mayo, 334 U.S. 672.

Mr. Justice Stewart concurred in the judgment "with the understanding that the Court does not here depart from the principles announced in Brown v. Allen, 344 U.S. 4433."

This time the dissenters were Mr. Justice Harlan, Mr. Justice Frankfurter, Mr. Justice Clark, and Mr. Justice Whittaker. They objected mainly to the Court's remand of the case to the lower federal courts for a determination of the federal constitutional question. Instead, they would have given the state court a chance to reconsider the state law point in the light of the reversal of its interpretation of the Federal Constitution. (Irvin v. Dowd, 27 LW 4294)

Corporate Dissolution

In one of its standout rulings in the administration of the federal criminal law, the Court looked to state corporation law for the answer. It was held that the dissolution of Delaware and Maryland corporations after their indictment under the Sherman Act did not abate the criminal prosecution.

Section 8 of the Sherman Act defines "person" to include corporations "existing" under the laws of any state. Therefore, the Court looked to state law to determine whether a corporation "exists" for any purpose after its dissolution. It concluded that under both Maryland and Delaware law the lives of the corporations were not cut short but were sufficiently continued so that the Sherman Act proceeding did not abate. (Melrose Distillers Inc. v. U.S. 27 LW 4263)

Labeled "a sentimental relic"

(Continued on page 7, col. 1)

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THURSDAY, SEPTEMBER 17, 1959

OUR BRITISH COUSINS AND PRETRIAL PROCEDURE

How to achieve effective calendar control through pretrial procedure is the central problem of judicial administration just now. Indeed, the American Bar Association has devoted the current Ross Essay Contest to that topic. A more direct approach was taken by the Institute for Judicial Administration, under the leadership of its president elect, Chief Judge Charles E. Clark of the Federal Court of Appeals for the Second Circuit. With the financial assistance of the Ford Foundation, a delegation of British jurists and barristers was assembled to confer with their American counterparts over pretrial procedures. The climax of these sessions was a public meeting which attracted, among others from New Jersey, State Supreme Court Justice Haydn Proctor and Federal Judge Phillip Forman.

The principal British spokesmen were Sir Seymour Karminski and Sir Kenneth Diplock, members of the High Court of Justice. That tribunal, like our Superior Court, is a forum of unlimited, original, general jurisdiction. Furthering the parallel, Britain, like New Jersey, has a unitary system of courts, a central administration of that system and a procedure regulated by court promulgated rules. British pretrial practice, like our own, is occupied with motions testing the sufficiency of claims and defenses in respect of statement and content, and also with discovery controversies and pretrial conferences to "fix the case", the British equivalent of pretrial orders. But there the resemblance ends.

The good results which our English counsins have achieved is less owing to a system than to a tradition, which depends upon an elite bench and bar and a habit of concentration on the merits. Thus, there is a bare minimum of pleading and summary judgment motions. Discovery is generally accomplished by an exchange of correspondence and is in any event limited to interrogatories and inspection of documents and property. Juries are demanded in less than 2% of the cases. Pretrial conferences are meticulous and exacting investigations of the precise areas of disagreement which require trial. A system of costs lays a heavy penalty upon intransigent attitudes and captious positions. The losing party pays all counsel fees in the case, unless the judgment was matched or surpassed by a settlement offer, in which event it is the other party who pays. The net of these procedures is that very few cases eventually remain on the calendar for trial; and those can be heard briefly, e.g., no more than three-fourths of a day for a typical negligence case.

We are not likely to follow the English practice as to counsel fees, whatever the dividends might prove to be in fostering settlements. But we could profit from the British system of employing masters to take charge of all pretrial procedure, while leaving judges free to try cases and to hear rare appeals from masters' rulings.

New Jersey courts are very badly in need of additional manpower. When provided by appointment of additional judges, the associated expenditures for chambers, court rooms, attendants, clerks etc., add up to more than $50,000 for each judge, at a minimum. Masters come a lot cheaper, being willing to get along with lesser salaries, a more modest office and the help of one secretary. Moreover, good masters could accomplish what judges are seldom able to do effectively. Thus, masters could deal with discovery in any case upon a continuing basis, and thereby prevent such abuses as threaten to bring the deposition practice into disrepute. And masters could make pretrial conferences really meaningful devices for the promotion of justice. They could schedule the meetings on a more realistic program than a standard 20 minutes both for a complicated chancery case and a simple negligence action. The conferences could be arranged, by telephone, for a mutually convenient time, thereby obviating the cost and annoyance of time lost waiting to be reached for the preparation of an order, which is generally compiled from the pretrial memoranda of the parties, in a perfunctory way, by a scissors and paste technique. More searching pretrial conferences, in a less harried atmosphere, would surely yield the greatest dividends of all, in promoting settlements on the one hand and in better directed trials on the other.

Experience teaches that no one device is a panacea solution for problems which will yield only to diligence and resourcefulness. A workable calendar control formula is more urgently needed in New Jersey just now than any other improvement in our judicial administration. Otherwise, we are in danger of sliding into the same arrears of justice which was the chief defect of our former system of courts. The use of masters may not be the ideal permanent solution of all calendar ills. But masters could certainly make a significant and needed short range contribution; and even a brief experience would supply the basis for an evaluation of the long range possibilities of that system.

Federal Legislation Would Restrict Interstate Business Taxes

Acting as referee between the income tax states and business interests, Congress has moved to limit the power of states to tax the locally earned income of companies operating interstate, according to Commerce Clearing House, Inc., national reporting authority on tax and business law.

Interstate business which stays within minimum standards of activity in the state, such as soliciting orders for approval outside the state and shipping goods from outside the state, would not be taxed on the income from such local activity, the CCH State Tax Review said in an analysis of the legislation now before the President for signature.

This legislation is aimed at restricting the effect of the U. S. Supreme Court decisions handed down earlier this year authorizing the 36 income tax states to impose their taxes on companies operating across state lines. These decisions opened wide the floodgates of state income taxes on interstate activity and led to extensive hearings in Congress. As a result, Congress is, in effect, making state tax law under its power to regulate interstate commerce.

Certain selling methods will not in themselves subject out-of-state corporations to a state's income tax under the new legislation. Thus, a company could send its representative into another state to solicit orders for goods without paying net income tax there.

To avoid income tax liability, orders solicited by salesmen must be sent outside the state for approval or rejection and the orders must be filled and shipped from a point outside the state, according to the CCH Review.

A company maintaining a sales office in a state could be subject to that state's income tax under this legislation. But a salesman maintaining his own office completely incidental to sales solicitation would not necessarily render his company liable to income tax, said CCH.

The immunity from tax of interstate business is explicitly limited to the sale of tangible personal property. The sale of services would not be exempt under the federal law.

Sales offices maintained in the state by independent contractors or manufacturer's representatives would not affect the principal company's immunity. Orders handled by such independent contractors need not be submitted for approval outside the state in order to retain immunity from the income tax, CCH notes.

An important feature of the proposed legislation is the provision for continuing study of the problem of taxing interstate business by a special Committee of Congress. Uniform standards to be observed by the states in imposing their income taxes are among the subjects to be explored, CCH said.

Order Re: District Court Criminal Jurisdiction

SUPREME COURT OF
NEW JERSEY

ORDERED that, pursuant to N.J.S. 2A:6-40, in each county wherein the County District Court consists of two or more parts, the exercise of criminal jurisdiction by each of such parts is hereby approved.

s Joseph Weintraub
C. J.

Dated: September 8, 1959.

Passaic County Bar Ass'n To Honor 50 Year and 40 Year Attorneys

The Passaic County Bar Association has designated its next meeting to be held Monday, September 28th, 1959, in honor of those members who have been admitted to the New Jersey Bar over fifty years and forty years respectively.

President Bernard Feinberg has called the meeting at the Alexander Hamilton Hotel in Paterson. This is the first Fall meeting of the Association.

The list of members of the fifty-year group and their year of admission is as follows:

Edward F. Merrey - 1895
I. Victor Klenert-1897
John Leavitt Griggs - 1900
John M. B. Ward - 1901
Arthur S. Corbin - 1902
Frederick B. Conant - 1903
Eugene L. Hart - 1904
John M. Nolan - 1904
Edgar A. De Yoe - 1905
Albert K. Condit - 1906
Frank Smit - 1906
Josiah Dadley - 1907
Frederick W. Gaston - 1907
Edmund B. Randall - 1907
Harry Loeb - 1908
James H. Penn - 1909

Hon. Edward F. Merrey has been requested to address the members in behalf of his fifty-year contemporaries. Mr. Merrey will reminisce on events of the past. He has a marvelous "store-house" of personal knowledge of the legal history of Passaic County, and with his interesting and witty style, his talk should prove enlightening and enjoyable.

The list of members in the over forty group with their year of admission is as follows:

Nathaniel Kent - 1910
David G. Smith - 1910
William W. Evans - 1911
George T. Anderson, Jr. - 1911
Louis V. Hinchliffe - 1912
Harry L. Schoen - 1912
Alexander M. MacLeod - 1914
Sadie P. Ranzenhofer-1914
James J. Rose - 1914
Peter Hostra - 1915
Jacob Kaplan - 1915
Filbert L. Rosenstein - 1915
Sigmund Unger - 1915
John C. Barbour - 1916
Thomas E. Duffy - 1916
John F. Evans - 1916
Jacob I. Jaffe - 1916
Philip R. Licker - 1916
J. Chester Massinger - 1916
George K. Slingland - 1916
Benjamin J. Spitz - 1916
Robert A. Davidson - 1917
Samuel Kent - 1918
Albert H. Kreamer - 1918
Robert Boyle - 1919
Frances Caminetti - 1919
Frank J. Davies - 1919
Joseph A. Feder - 1919
Edward Feld - 1919
Charles J. Harty - 1919
Peter N. Perretti - 1919
Jack Rinzler - 1919
John J. Roegner - 1919
Casimir A. Silski - 1919
Samuel F. Slaff - 1919
Charles C. Stalter - 1919

Jack Rinzler of Passaic has been called upon to speak in behalf of the over forty-year group.

State Trial Judges Conference Elects National Officers

CHICAGO (ACCN) — Paul C. Reardon of Boston, Mass., chief justice of the Superior Court of Massachusetts, was elected chairman of the National Conference of State Trial Judges at a one-day organizational meeting held at Miami Beach last month.

The national conference, tentatively established last year in Los Angeles during the annual meeting of the American Bar Association under the leadership of Associate Justice Tom C. Clark of the U.S. Supreme Court, was formally organized at the Miami Beach meeting under the chairmanship of A. L. Marovitz, chief justice of the Criminal Court of Cook County. A clear majority of the 70 judges present voted to "become a division of the ABA Section of Judicial Administration."

Justice Reardon, former personal counsel to Gov. Christian Herter, is credited with measureably reducing the delay in the handling of trial cases in Boston and the state. He is president of the Harvard Alumni Association.

Other officers elected to serve for the coming year with Justice Reardon are:

First Vice Chairman, J. H. Starley of Pecos, judge of the 143rd Judicial Circuit of Texas, and second Vice Chairman, Ralph H. Pharr, of Atlanta, judge of the Superior Court of Georgia.

Elected to serve on the executive committee were:

First circuit, John H. Leahy of Claremont, Superior Court of New Hampshire; Second circuit, Miles McDonald of Brooklyn, justice Supreme Court of New York; Third circuit, Gerald F. Flood of Philadelphia, judge Common Pleas Court;

Fourth circuit, Emory H. Niles of Baltimore, justice of the Supreme Bench of Baltimore City; Fifth circuit, John A.H. Murphree of Gainesville, judge Circuit Court of Florida; Sixth circuit, Frank Fitzgerald of Detroit, judge of the County Court;

Seventh circuit, Andrew W. Parnell of Appleton, judge of the Circuit Court of Wisconsin; Eighth circuit, Leslie L. Anderson of Minneapolis, judge of the District Court of Minneapolis;

Ninth circuit, Alfred T. Sulmonetti of Portland, judge of the Circuit Court of Oregon; and Tenth circuit, John B. McManus jr., of Albuquerque, judge of the District Court of Albuquerque, N.M.

Report On Court Calendar Conditions

(Continued from page 1)

535 civil cases pending as against 11,696 the year before—an increase of 33%. In the Chancery Division there was an increase of 7% in the general equity cases pending, for a total of 981 cases. Matrimonial cases pending increased 22%, rising from 1096 to 1335.

There were 10,358 criminal cases pending on August 31, 1959 as against 8,661 cases a year earlier, for an increase of 20%, and there were 21,408 cases pending in the District Courts as against [illegible], for an increase of 11%.

The statistics released show that the increase in pending cases was due to a great increase in the number of cases filed during the year and not to the failure of the courts to maintain their prior level of case disposition. In all courts except the Supreme Court, the number of cases and appeals filed in the court year 1958-1959 showed a sharp increase over the preceding court year.

Age of Cases

The statistics further show that less than 5% of the active cases pending are more than 1½ years old and that about 13% are from 1 to 1½ years old. The remainder of the active cases pending are less than one year old.

As in the past, the greatest number of cases pending and the greatest increase therein numerically though not necessarily percentage-wise was in the metropolitan counties of Bergen, Essex, Hudson, Middlesex, Monmouth, Passaic and Union.

Attorney General's Opinion

AL OPINION NO. 21—1959
Guy W. Calissi
utor, Bergen County

have requested an opinion with the scope of au- and functions of the County Police. Specific- as chief law enforcement of Bergen County, N.J.S. 8-1 et seq.; **State v. Winne,** N.J. 152 (1953)), you wish to clarified the powers and of the county police as relate to your responsibili-

Bergen County Police de- its existence by virtue of 929, c. 205, now R.S. 40:22-1 That law authorized the of chosen freeholders to lish a county police depart- and to appoint such per- as it deemed necessary "* * * the supervision and regula- of traffic upon county " R.S. 40:22-1. The powers duties conferred upon police appointed by the free- were "* * * to enforce provisions of law and the ions or ordinances adopt- the board of chosen free- in relation to the super- and regulation of traffic roads, and to arrest for commission of any crime in part of the county." R.S. 40:

Board was authorized to the pay, prescribe the duties, provide quarters and equip- for the proper operation department. R.S. 40:22-3. background of this legis- is traced to 1911 when "An provide for the protection county public roads in coun- the first class and to au- the regulation of traffic on" was enacted, L. 1911 c. This law, enacted before the of any state-wide motor regulation (see L. 1921, providing for registration, and regulation of mo- vehicles) was designed to complete control by officers of traffic on the 's own roads in first class . Regulations were au- to cover rules for driv- sizes of vehicles and similar . Violations of such were subject to pen- enforceable in local courts. A county police force was authorized to be appointed by the freeholders (one man per each mile of county road) to enforce the county regulations. Such persons possessed "* * * all the powers, with regard to the enforcement of such rules and the supervision of traffic upon such roads, as are now possessed by constables, or deputy sheriffs in counties, or police officers in cities."

In 1920, L. 1920, c. 98 removed the pre-existing numerical restriction upon the personnel complement. Then, in 1923, c. 57 of the Laws of 1923 among other things amended the 1911 act to empower county police to enforce "An Act for suppressing vice and immorality" (the Sunday Closing Law; formerly R.S. 2:207-1, now N.J.S. 2A:171-1) in addition to the provisions of what was to become part of Title 39, Revised Statutes (Motor Vehicles and Traffic Regulation), and, "* * * to arrest for the commission of any crime in any part of the county in which said officers are appointed."

The statement appended to the bill (A205) provided:

> "The purpose of this Act is to give to the county police full authority to enforce the laws."

The 1911 law dealing with first class county police, as amended, became R.S. 40:22-4, 5 and 6 in the 1937 revision. L. 1929, c. 205 (R.S. 40:22-1, 2 and 3) was intended to give similar powers to counties of all classes. As was indicated in the statement to that bill (S85):

> "The above bill substantially re-enacts the provisions of Chapter 272 of the Laws of 1911, except that the limitation to first class counties is omitted. By Chapter 57 of the Laws of 1923 the title of the 1911 act was changed so that the authority is not now vested in counties of the first class to establish a police department, and the purpose of this act is to again vest such authority in boards of first class counties and to extend the same authority to all counties."

It is our opinion that the statutory history dealing with authority of county police indicates that the statutory reference to the power "* * * to arrest for the commission of any crime in any part of the County in which said officers are appointed * * *" (R.S. 40:22-1 and 5) is limited in scope. As is evidenced by the title L. 1911, c. 272, the body of that act, the amended title of L. 1923, c. 57 and the substance contained therein, together with the 1929 law (directly applicable here)) which should be read **in pari materia** with R.S. 40:22-4, 5 and 6 (the 1911 law, as amended) the primary function of county police is to assist the board of chosen freeholders in regulating traffic on county roads. This is why the county police department was established. The power to arrest for the commission of crime should be viewed as authority to arrest criminals if such is incidental to the traffic duties being performed. Such power should not permit the formation of a complete police department that is designed to detect crime throughout the county under any circumstances.

An intensive search of case law throughout the country has been conducted on this subect for controlling authorities. One case is directly in point in our opinion. In **State v. Necaise,** 228 Miss. 542, 87 So. 2d 922 (Sup. Ct. 1956) a person was charged with unlawful possession of a whiskey still. Search warrants had been executed by county patrol officers acting pursuant to a statute which stated that:

> "Said patrol officers are hereby authorized to do and perform all acts authorized to be done by the sheriff, constable or any other peace officer."

The State contended that road patrolmen were given the same authority for the serving of search warrants or other process of any kind, as was vested in the sheriff, constable or other peace officer of the county. The Supreme Court of Mississippi held that the power of the county patrol officers to serve search warrants under any circumstance was prohibited. At p. 925 of 87 So. 2d, the court stated that:

> "But we think that the provision of the statute which authorizes the patrol officers 'to do and perform all acts authorized to be done by the sheriff, constable or any peace officer', is intended to vest in the patrol officers only such police powers as may be necessary to enable them to perform properly the duties imposed upon them by the statute as county road patrolmen. We do not think that it was the intention of the legislature to auhorize the patrol officers who were employed 'to patrol the roads of the county and to enforce the road and motor vehicle laws' to take over the duties or exercise the powers of the sheriff, or constable or other peace officer, in the enforcement of the general criminal laws of the state or in the service of criminal or civil process in cases which do not arise out of and have no relation to the performance of their duties as county road patrolmen.
>
> * * * *
>
> "We think that the first sentence of Code Section 8062 means that, the patrol officers, in the performance of their duties in patrolling the roads of the county and enforcing the road and motor vehicle laws, are authorized to do and perform all acts authorized to be done by the sheriff, constable, or any other peace officer in the performance of his duties as such peace officer. The patrol officers are authorized as an incident to the performance of their duties as county road patrolmen, to arrest without warrant any person or persons committing or attempting to commit any misdemeanor, felony or breach of the peace within their presence or view on any road of the county, or the road right of way, and to pursue any person committing such offense to any place in the county where he may go, or to arrest fleeing felons using the county roads to effect their escape; and, if authorized and empowered to do so by the commissioner of public safety, the patrol officers may enforce or aid in the enforcement of the traffic laws upon any highway of the state highway system. The patrolmen may be authorized to serve search warrants where such action is necessary as an incident to the performance of their duties as county road patrolmen. But their powers as police officers are limited to the performance of their duties as county road patrolmen. We find nothing in the statute to warrant the conclusion that the legislature intended to make the county road patrolmen general police officers for the enforcement of the general criminal laws of the State and the service of criminal and civil process in cases which do not arise out of and have no relation to the performance of their duties as county road patrolmen.

Cf. Vickers v. State, 176 Tenn. 415, 142 S.W. 2d 188 (Sup Ct. 1940); **Mullins v. State,** 304 S.W. 2d 333 (Tenn. Sup. Ct. 1957); **Mitchell v. State,** 74 Okl. Cr. 416, 127 P. 2d 211 (Cr. Ct. App. 1942) where officers with primarily limited duties are specifically authorized to assist other agencies in making arrests or serving warrants.

This result is reinforced by an application of the well established principle that the substantive provisions of an act must be embraced within the subject expressed in its title. **Art. IV Sec. VII par. 4, N.J. Const.** (1947). An examination of the titles of all the acts leading up to the 1929 act authorizing the Bergen County Police shows that they are limited to the protection of the county public roads and the regulation of traffic thereon. The title of the 1911 act (L. 1911 c. 272) reads as follows:

> "An act to provide for the protection of county public roads in counties of the first class and to authorize the regulation of traffic thereon."

The title of the 1920 act (L. 1920 c. 98) was simply an act to amend the 1911 act [reciting the title of the 1911 act]. The title of the 1923 act (L. 1923 c. 57)was as follows:

> An Act to amend the title and body of an act entitled "An act to amend an act entitled 'An act to provide for the protection of county public roads in counties of the first class, and to authorize the regulation of traffic thereon,' approved April twenty-seventh, one thousand nine hundred and eleven," which amendatory act was approved April sixth, one thousand nine hundred and twenty.

This act amended the title of the 1920 act to read as follows:

> "'An act to amend an act

(Continued on page 6, col. 1)

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Attorney General's Opinion

(Continued from page 5)

entitled "An act to provide for the protection of county public roads in counties where a county police department now exists, and to authorize the regulation of traffic thereon," approved April twenty-seventh, one thousand nine hundred and eleven,' * * *."

The title of the 1929 act (L. 1929 c. 205) itself reads as follows:

> "An Act to provide for the control and use of county roads in this State.'

The grant of power "to arrest for the commission of any crime in any part of the county", R.S. 40:22-2, cannot be given a broader sweep than the titles of the acts in question would permit. A similar situation was presented in **Martin v. Follis,** 133 Okla. 162, 271 Pac. 672 (Sup. Ct. 1928. There the question of the scope of the power to arrest vested in special highway patrolmen by a statute whose grant of power and whose title were both similar to those involved here was considered. The grant of power in that act read as follows:

> "For the purpose of enforcing the provisions of this act, any peace officer or specially commissioned officer shall have authority to make arrests for the violations of any of the provisions of this act, and the board of county commissioners of any county is hereby given authority to commission special officers or patrolmen as peace officers to patrol public highways and they shall have authority to make arrests for the violations of any of the provisions of this act or any other act regarding motor vehicles or the usage of public highways or for other violations of law. * * *"

The title of the act involved there reads as follows:

> "* * * An act regulating the gross weight of vehicles or other objects; regulating the distribution of loads and speeds; providing for other restrictions of the usage of public highways; providing for enforcement and providing penalty, declaring the existence of an emergency."

The Oklahoma Constitution had a requirement that the subject of every act be clearly expressed in its title, similar to the provision in **Art. IV. Sec. VII. par. 4, N.J. Const.** (1947). The argument was made that if the power to arrest were construed as a general power to arrest, the scope of the act would be broader than the title, and therefore, the act would be unconstitutional. The court upheld the act by giving it a narrower scope. It stated at p. 674 of 271 Pac. that the intention of the legislature must have been:

> "* * * not only to regulate traffic upon the highways of the state, but to protect the traveling public from reckless drivers, robberies, and other unlawful acts committed **upon or near the highways,** and to clothe the special officers with full authority to make arrests for any and all of these offenses." (Emphasis added.)

In defining the grant of power the court said:

> "With the many crimes that have in recent years been committed **upon our highways,** the Legislature would naturally authorize the peace officers to make arrests for these crimes." (Emphasis added.)

The purported effect of the legislative grant in R.S. 40:22-2 "* * * to arrest for the commission of any crime in any part of the county * * *" must be similarly limited in scope to traffic control and protection on county highways.

Neither the county police nor the board of chosen freeholders have any common law or statutory powers to act throughout the county detecting crime or keeping the peace, similar to the authority possessed by the county prosecutor or municipalities. Other than those powers specified in R. S. 40:22-1 et seq., the board of chosen freeholders in the law enforcement field possesses no other statutory or common law authority. County prosecutors, however, by virtue of N.J.S. 2A:158-4 are vested with the exclusive authority to conduct the criminal business in the county (except under conditions not present here) and additionally, pursuant to N.J.S. 2A:158-5, are empowered to use all reasonable and lawful diligence for the detection, arrest, indictment and conviction of offenders against the laws. Municipal police possess authority to act on behalf of the municipality in which they serve as peace officers in protecting the health, safety and welfare of the community. See R.S. 40:48-1, 2 and other related statutes dealing with different types of local government in establishing the several kinds of police forces. Ancillary to this power is the obvious need to afford authority to arrest when crimes are committed in the presence of such officers. But there is no broad authority present in the board of chosen freeholders to create a complete law enforcement agency to exercise a full police jurisdiction in the county. Not only is there no statutory power to do so, overlapping law enforcement of this character would tend to be inefficient, expensive and confusing.

Thus, it is apparent that county policemen who engage in detecting crime away from their normal duties of patrolling county roads lack the power of arrest for any crime; they would have only the citizen's powers of arrest. **4 Am. Jur., Arrest,** §§2, 24, 28, 35, 36 (1936).

As prosecutor you are primarily responsible for the administration and enforcement of the criminal laws in your county. N.J.S. 2A:158-4. There can be no question but that your constitutionally created office, **N.J. Constitution, Art. VII, Sec. II, par. 1,** has been legislatively implemented pursuant to N.J.S. 2A:158-1 et seq. to afford to you complete command of law enforcement. **State v. Winne,** 12 N.J. 152 (1953). This case carefully and clearly enunciated your powers and responsibilities for ensuring effective enforcement in your jurisdiction. Resolutions of a board of chosen freeholders that would conflict with such statutory and judicially recognized and imposed duties would be invalid. Any law enforcement activity on behalf of county government should be subordinate to your direction.

We conclude that the primary function of county police is traffic law enforcement and that the power to arrest is incidental to the statutory duty of enforcing the motor vehicle laws within the county.

Very truly yours,
David D. Furman
Attorney General
By David M. Satz, Jr.
Deputy Attorney General

Suggestions For Zoning And Planning Statute Changes Sought

The County and Municipal Law Revision Commission is presently engaged in work on the revision of the zoning and planning enabling statutes of the State of New Jersey. The revision commission is working in conjunction with an advisory committee appointed by Governor Meyner. It desires to have the suggestions and recommendations of members of the Bar of New Jersey for changes in the zoning and planning statutes.

These suggestions and recommendations should be sent to the commission's counsel, Clive S. Cummis, State House, Trenton, New Jersey.

Announcement

Jerome J. Doherty and [illegible] Jane Doherty have formed a partnership for the general practice of law under the firm name of Doherty & Doherty with offices at 214 Washington Street, Tom River.

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INITIAL ENROLLMENT COMMENCES SEPTEMBER 15, 1959
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* * * *

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Review of Supreme Court's Work

ontinued from page 3)

years ago by the drafters the Uniform Rules of Evidence the common-law doctrine ing a wife from testifying against her husband in a al case was rejuvenated by Court. In 1933, Funk v. U.S., S. 371, the Court had done with the rule that a wife not testify in favor of her and in a criminal case. That was distinguished be- of the impairment of family harmony when a wife is al- to testify against her hus- Despite the many criti- of the common-law rule, Court was "unable to sub- to the idea that an ex- ary rule based on the ent instincts of several should now be aband-

ally, all the government was that the old rule be modified to permit spouse to testify against other voluntarily. Although Court indicated that some in the rule "may even- be dictated by reason and ence," it did not think the had arrived for the change by the government.

a special concurring opin- Mr. Justice Stewart indicat- he might have been more that the remainder of the to change the old rule. v. 27 LW 4020)

rmers

only Mr. Justice Doug- dissenting, the Court sus- the validity of an arrest without a warrant entirely word of an informer. Spe- significance was attached to informer's tip because he been a "special employee" government for about six and his information had been reliable.

arrest had been made en- on the basis of the inform- description of the suspect. had been taken into custody disembarked at the end of trip that the informer was with the purpose of a supply of narcotics. of a canvas bag also by the informer had up a supply of narcotics in evidence.

the arresting officer to a magistrate for a war- Mr. Justice Douglas' dis- pointed out, the officer not have had a bit of evidence as to which he could have taken an oath. He would not even have known the grounds for the informer's statement of the purpose of the suspect's trip. "When we lower the guards as we do today, we risk making the role of the informer—odious in our history — once more supreme." (Draper v. U.S., 27 LW 4485)

Separate Crimes

Four of the Court's decisions dealt with the problem whether certain activities could be punished as two separate crimes.

The Federal Bank Robbery Act, 18 U.S.C. 2113(c), was held not to authorize separate punishment for receiving or possessing money robbed from a bank in addition to the punishment for the actual robbery. The same opinion established that relief under Section 2255 of the Criminal Code is not available to attack a sentence other than the one under which the prisoner is in custody. However, relief was held available in this case under FRCrP 35. (Heflin v. U.S., 27 LW 4155)

Resolving an issue on which it had been equally divided a year earlier, 355 U.S. 282, 26 LW 3198, the Court held that a single shot wounding two federal agents did not constitute two separate crimes for which consecutive sentences could be imposed. (Ladner v. U.S., 27 LW 4144)

On the other hand, consecutive sentences were upheld for a defendant convicted of the separate crimes of unlawfully purchasing and unlawfully receiving and concealing unstamped narcotics, even though both convictions were based on a single act of possession and upon the statutory presumption that mere possession was enough to show the violations. (Harris v. U.S., 27 LW 4187)

Finally, an equal division of the Court—Mr. Justice Stewart did not participate—resulted in affirmance of a Sixth Circuit ruling that Sections 3 and 4 of the National Motor Vehicle Theft Act, 18 U.S.C. 2312-2313, authorize separate punishments for "transporting" a stolen automobile in interstate commerce and for "receiving and concealing" the same automobile. (Woody v. U.S., 27 LW 3260)

Another of the criminal decisions necessitating construction of the Federal Criminal Code involved the prohibition in Section 214 against offers of money to "any persons for the use of" influence to procure an appointive federal office. This provision was held to forbid an offer or promise to a congressman to make a payment to a political party in return for his aid in procuring a federal job. A political party was considered a "person" under the statute. (U.S. v. Shirey, 27 LW 4274)

Partnerships

The question left unresolved by an equally divided Court in U.S. v. American Freightways Co., 352 U.S. 1020, was settled by a holding that a partnership is an "entity" subject to criminal liability under Section 835 of the Criminal Code and Section 222 (a) of the Motor Carrier Act for violating ICC safety regulations. According to the Court, this change in the common-law rule denying "entity" status to a partnership was accomplished by the definition of "person" in Section 222(a) of the Motor Carrier Act; the term is expressly defined to include partnerships. And, with regard to Section 835 of the Criminal Code, the Court relied upon the fact that 1 U.S.C. 1 defines "person" and "whoever" to include partnerships.

Mr. Justice Douglas, Mr. Justice Black, Mr. Justice Frankfurter, and Mr. Justice Whittaker, in a partial dissent, disagreed with this reading of Section 835 of the Criminal Code. They pointed out that 1 U.S.C. 1 defines "person" to include a partnership "unless the content indicates otherwise." Section 835 does indicate otherwise, they reasoned, since it punishes only those who knowingly violate it. (U.S. v. A & P Trucking Co., 27 LW 4029)

In another case arising under the Motor Carrier Act, the Court upheld the contempt conviction of a witness before a grand jury investigating violations of that Act. The witness had disobeyed a court order that he answer specific questions and then had been summarily sentenced for criminal contempt under FRCrP 42(a) when, on being returned to court, he had refused to answer the same questions posed by the judge. Finding that Section 205(e) of the Act clothes a witness with an immunity coextensive with his privilege against self-incrimination the Court concluded that the privilege was not available. (Brown v. U.S., 27 LW 4195)

Indictments

Applying FRCrP 7(a), the Court refused to allow waiver, by a defendant charged with violating the Federal Kidnapping Act, of the right to be prosecuted by indictment. Although kidnapping is not a capital offense if the victim is released unharmed, the Court read the statute as creating a single offense of transporting a kidnapping victim across state lines. And that offense "may be punished by death" within the meaning of Rule 7(a).

Mr. Justice Clark, Mr. Justice Harlan, and Mr. Justice Stewart, dissenting in part were of the view that the Kidnapping Act establishes two separate crimes, only one of which is a capital crime subject to the rule followed by the majority. (Smith v. U.S. 27 LW 4415))

In three other opinions, the Court held: a guilty verdict in a federal criminal case had been invalidated by several jurors' reading of news articles containing information the trial judge had ruled to be so prejudicial as to be inadmissable when directly offered as evidence. (Marshall v. U.S. 27 LW 4439; a court of appeals had erred in concluding that the validity of 5 of 12 concurrent sentences of 20 months to 5 years each made it unnecessary to determine the validity of 3 consecutive sentences of 20 months to 5 years each. (Greene v. U.S., 27 LW 4091); and direct evidence showing that large-scale lottery operators knew of the federal wagering taxes is not necessary to sustain their conviction for conspiracy to evade such taxes, but minor functionaries at the lottery headquarters cannot be convicted of such a conspiracy without direct proof that they knew of such taxes and of their nonpayment. (Ingram v. U.S., 27 LW 4489).

A confession of error by the Solicitor General led the Court to reverse, without opinion, a conviction challenged because of the nature of the United States attorney's argument to the jury. (Handford v. U.S., 27 LW 3260)

The Court's only opinion in a court-martial case established that Article of War 92 precluded the Armed Forces from trying an inmate of a federal military prison for a 1949 California conspiracy to commit murder. Article 92 bars court-martial jurisdiction of murders committed "in time of peace" within the continental United States. (Lee v. Madigan, 27 LW 4065)

Legal Secretary Course Classes Changed

Classes in the course on "Legal Secretarial Practices", which will be given by the Essex County Legal Secretaries Association, and which was announced in last week's Law Journal, will be held on Mondays and Thursdays of each week instead of Mondays and Tuesdays as originally announced. Registration, however, remains Monday and Tuesday evening, Sept. 21 and 22 between 7 and 9 P.M. Registration is to be made and the course will be given at the Essex County Vocational and Technical School, 300 North 13th St., Newark.

Announcements

Carl A. Frahn has bcome associated with R. Wayne Stickel in the general practice of law at 229 Main Street, Chatham.

Nathan Barshay and Joseph H. Indick have become associated for the general practice of law under the firm name of Barshay and Indick. The firm has moved the location of its offices to 1139 East Jersey Street, Elizabeth 4.

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65 Bergen Street, Newark, New Jersey

COMMENCING OCTOBER 7, 1959

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This course is designed to equip lawyers with an advanced medical background to handle personal injury litigation. It will attempt to explain in terms understandable to lawyers those aspects of anatomy and disease which are important to the lawyer concerned with this type of litigation. Emphasis will be placed on the use of demonstrative evidence at the trial and disability evaluation.

By the use of the Martland Medical Center there will be available projection slides, supporting clinical material, patients, autopsy material, x-rays and other visual aids to facilitate the understanding of the lectures. The highlight of the course will be an actual autopsy.

This course is intended as the supplement to the two previous courses conducted by the Institute, but attendance at the prior courses is not essential to the understanding and comprehension of the lectures here to be given.

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Dr. Henry A. Brodkin, President
N. J. Society of Medical Jurisprudence

David Roskein,
Specialist in Workmen's Compensation Litigation

LECTURES

Dr. William Ehrlich **October 7, 1959**

THE HEAD

(Dr. Ehrlich is a Diplomate of the American Board of Neurological Surgery)

Anatomy of Head, Mechanism of Injury, Nature of Injury, Sequellae of Injury, Clinical Evaluation of Head Injury; Skull fractures, Brain lacerations, Contusions and Concussions, Paralysis, Epilepsy, Post-Traumatic Neurosis, etc.

Dr. Harold Somberg **October 14, 1959**

THE SPINAL CORD

(Dr. Somberg is a Diplomate of the American Board of Neurological Surgery)

Anatomy and function of Spinal Cord, Types of Traumatic Injuries to Spinal Cord, Mechanism of Injury to Spinal Cord, Nature of Disability; Concussions, Contusions, etc., Fractures and Dislocations of Vertebrae, Herniated Discs, Penetrating Wounds, etc.

Dr. Sidney Keats **October 21, 1959**

THE BACK

(Dr. Keats is a Diplomate of the American Board of Orthopedic Surgery)

Anatomy and physiological dynamic of back, Congenital and developmental anomalies of spine, fractures and dislocations, whiplash injuries, Scoliosis, Spondylolisthesis, lumbo-sacral sprain and strain, Sciatica, etc.

Professor Anthony DePalma **October 28, 1959**

SHOULDER AND UPPER EXTREMITIES

(Professor De Palma is Professor of Orthopedic Surgery, Jefferson Medical College, Philadelphia, Pa.)

Anatomy and Physiological Dynamics of neck, shoulder, and upper extremities; The Neck; The Shoulder; The Elbow; Fractures of the humerus, radius, and ulna potts fracture; The Hand; Amputations, etc.

Dr. Jarvis Smith **November 4, 1959**

THE LOWER EXTREMITIES

(Dr. Smith is a Diplomate of the American Board of Orthopedic Surgery)

Anatomy and physiological dynamics of the lower extremities; Fractures of Acetabulum and Hip; Fractures and dislocations of Shaft of Femur; Fractures and Dislocation of Knee; Tear or injury of Cartilage and ligaments of knee; Fractures of shaft of Tibula and Fibula; Fractures of ankles; Traumatic arthritis of hip, knee, and ankle; Amputations, etc.

Dr. Kenneth Smith **December 2, 1959**
Dr. Thomas J. Ormsby

CHEST AND LUNGS

(Dr. Smith specializes in industrial practice and is on the medical faculty of Columbia University College of Physicians and Surgeons)

(Dr. Ormsby is a member of the American College of Chest Physicians and is a specialist in pulmonary diseases)

Anatomy and Function of Respiratory System; Normal and Abnormal Considerations; Chronic Pulmonary Diseases; Abnormal Physiology; Evaluation Disability, Symptoms at work and rest, clinical findings, x-rays, pulmonary functions tests, etc.

Dr. Jerome G. Kaufman **December 9, 1959**

THE HEART

(Dr. Kaufman is a Diplomate of the American Board of Internal Medicine)

Structure and Function of Heart; Congenital and Developmental abnormalities; Traumatic Injuries to heart and great vessels; Physical effort heart; Emotional Stress and Strains, etc.

Dr. Bart James **December 16, 1959**
Dr. John Hunt

THE SKIN

(Dr. James is a Diplomate of the American Board of Dermatology and Syphilology)

(Dr. Hunt is a Diplomate of the American Board of Dermatology and Syphilology)

Structure and Function of the skin; Reaction of skin to injury, thermal and radiation burns, chemical burns, freezing, laceration and direct trauma; skin manifestation of systematic disease; Dermatitis and dermatosis; Discussion of Occupational factors in diseases of skin; Disability Evaluation, etc.

Dr. Leonard Ellenbogen **January 6, 1960**

TUMORS

(Dr. Ellenbogen is a Diplomate of the American Board of Radiology)

Basic concepts in Development of tumors; Types of tumors and classification; Tumors and Occupation, Environmental and industrial carcinogenesis; Tumors and physical trauma, Chronic mechanical irritation, Thermal and chemical burns, Traumatic introduction of carcinogenic agents, activities of carcinoginisis in bursitized tissues, Aggravation of pre-existing tumor by trauma, Localization of metastatic tumor by trauma, Single trauma tumors; Ionizing radiations, etc.

Dr. Philip Willner **January 13, 1960**
Dr. Fulton Massengill

EVALUATION OF DISABILITIES

(Dr. Willner is a Diplomate of the American Board of Orthopedic Surgery)

(Dr. Massengill specializes in Industrial Medicine and is a member of the Industrial Medical Association)

Deviation from Normal Anatomical Integrity; Deviation from Normal Functional capacity as measured by objective criteria; Pain and discomfort produced by performance of normal functions; Statutory disability provisions for amputations or loss of usefulness of body members or organs; Appraisal of the individual as a Physiological working unit, Anatomical and functional integrity, Limitations on work effort by pain and symptoms, Suitability for employment on labor market, etc.

Dr. Edwin H. Albano **January 20, 1960**

MEDICAL, LEGAL AUTOPSY

(Dr. Albano is a Diplomate of the American Board of Pathology)

Duties and Powers of Medical Examiner with regard to autopsies; Indications or requisites for investigation by medical examiner; microscopic examination; Microscopic Examination; Chemical Analysis; Establishing cause of death, Performance of autopsy, etc.

Henry A. Davidson **January 27, 1960**

PSYCHIATRY

(Dr. Davidson is a Diplomate of the American Board of Psychiatry and Neurology)

Relation to Trauma of Psychiatric conditions; Classification of Psychiatric Conditions; Symptoms; Requisites of Psychiatric Examinations; Pre-Existing Conditions or Susceptibilities; Post Concussional Syndromes; Post Traumatic Neuroses and anxiety states; Hysteria, etc.

CAPITAL GAIN OPPORTUNITIES UNDER THE TAX LAW

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LECTURES

Arnold J. Hoffman **October 6, 1959**

THE TAX TREATMENT OF CAPITAL TRANSACTIONS

(Mr. Hoffman is Associate Professor of Law, Rutgers School of Law; former Attorney-Advisor, The Tax Court of the United States; former Chairman, Committee on Taxation, Federal Bar Association of New York, New Jersey and Connecticut.)

An analysis of the basic operation of the capital gain provisions, including a discussion of the tax treatment of capital assets, property used in trade or business, sales, exchanges and involuntary conversions, holding periods and timing, the method of computing capital gain and its effects, capital losses and carry-overs, and special rules in particular situations for determining capital gain.

Edward Pesin **October 13, 19**

SALES TRANSACTIONS, DEFERRED PAYMENTS AND THE INSTALLMENT METHOD

(Mr. Pesin is a member of the New Jersey and New York Ba Lecturer, New York University Annual Tax Institute, fo Trial Attorney, Office of Chief Counsel, Internal Reve Service.)

A consideration of the advantages and disadvantages of alter methods of handling sales transactions, including a discu of the tax consequences of open and closed transactions, exe tory contracts, escrow arrangements, various types of defe payments, the tax effects of contracts, notes, bonds and m gages, and the election of the statutory installment method relation to the capital gain provisions.

David Beck **October 20, 19**

CAPITAL GAIN IN REAL ESTATE

(Mr. Beck is a member of Gutkin & Beck of Newark; Chairm Committee on Federal Taxation, New Jersey State Bar A ciation; former Attorney, Tax Division, Department of Ju tice.)

A discussion of the tax situation of real estate investors s dividers, developers, traders and dealers, and the capital g consequences of various kinds of investments and transact arising out of typical real estate ventures.

Norman E. Schlesinger **October 27, 19**

CAPITAL GAIN IN THE SECURITIES MARKET

(Mr. Schlesinger is a member of Foosaner, Saiber & Schlesin of Newark; Chairman, Tax Committee, Essex County Association; Lecturer, New York University Annual Ta Institute.)

An examination of capital gain opportunities in stock mar transactions, including a consideration of wash sales, short sa the conversion of capital losses to ordinary losses and short-te gains to long-term gains, options, puts and calls, stock ri and warrants, and other types of investments in securities.

G. Norman Widmark **November 10, 19**

CAPITAL GAIN FOR THE PROFESSIONAL, THE EXECUTIVE, AND THE CREATIVE MAN

(Mr. Widmark is a member of Widmark & Goldberg of Newa Lecturer on Taxation, Rutgers University Extension Divi Member, Section of Taxation, American Bar Association.)

An examination of capital gain opportunities available for i dividuals engaged in various kinds of personal service, includi a consideration of typical employment contracts of executiv contractual arrangements made by professional men, and co pensatory arrangements, for inventors, promoters and other i dividuals engaged in personal service activities, negotiated w a view to obtaining capital gain treatment.

Arthur L. Nims, III **November 17, 19**

SPECIAL OPPORTUNITIES FOR CAPITAL GAIN

(Mr. Nims is associated with McCarter & English of Newa Member, Section of Taxation, American Bar Associati former Trial Attorney, Office of Chief Counsel, Inter Revenue Service.)

A study of the unusual depletion and other deductions avail to the high income taxpayer, and the unusual capital gain oppo tunities available for the investor in the northeast as a partic pant in ventures and syndicates, active in other parts of t country, with investments in oil and gas, cattle and livesto orange groves and citrus crops, timber, and other natural r sources.

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Saverio R. Principato
John L. Miller, Jr., Chairman

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M. LeRoy Cobbin, Chairman

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Alexander C. Wood, III
Francis E. Gazdzinski, Chairman

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Benjamin Asbell
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Edward A. Reid
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ETHICS AND GRIEVANCE

Appointed by the Supreme Court. Rule 1:16-1.
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Lawrence V. White
William E. Peel
William S. Zink, Secretary
Joseph Tomaselli, Chairman

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Allen S. Dolgin
A. David Epstein
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Benjamin Asbell, Chairman
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Furman A. DeMaris, Jr.
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Alvin R. Schomer
Hon. Charles A. Wolverton
George Purnell, Chairman

JUDICIAL CONFERENCE (RULE 1:23-1 (a) (8))

James Hunter, III, Sept. 1962
Carl Kisselman, Sept. 1962

SCHEDULE OF MINIMUM FEES

Elmer Bartman
I. V. DeMartino
Albert J. Scarduzio
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Samuel J. Shmerelson
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William B. Hutchinson, Jr., Chairman

Announcement

Robert F. Konopka announces the opening of his offices at 52 South Main Street, Manville.

LEGAL NOTICES

STATE OF NEW JERSEY
DEPARTMENT OF STATE
CERTIFICATE OF DISSOLUTION

To all to whom these presents may come, Greeting:

WHEREAS, It appears to my satisfaction, by duly authenticated record of the proceedings for the voluntary dissolution thereof by the unanimous consent of all the stockholders, deposited in my office that

SAENGER-SMITH CO.

a corporation of this State, whose principal office is situated at No. 237 Highland Road, in the Village of South Orange, County of Essex, State of New Jersey (Alice Carter Reilly, being the agent therein and in charge thereof, upon whom process may be served), has complied with the requirements of Title 14, Corporations, General, of Revised Statutes of New Jersey, preliminary to the issuing of this Certificate of Dissolution.

NOW, THEREFORE, I, the Secretary of State of the State of New Jersey, Do Hereby Certify that the said corporation did, on the Eleventh day of September, 1959, file in my office a duly executed and attested consent in writing to the dissolution of said corporation, executed by all the stockholders thereof, which said consent and the record of the proceedings aforesaid are now on file in my said office as provided by law.

IN TESTIMONY WHEREOF, I have hereto set my hand and affixed my official seal, at Trenton, this Eleventh day of September, (Seal) A.D., one thousand nine hundred and fifty-nine.

EDWARD J. PATTEN,
Secretary of State.

L.J.—Sept. 17, 24, Oct. 1 $21.60

Dated: September 11, 1959

ESTATE OF JENNIE YANNELLI, deceased.

Pursuant to the order of CHARLES A. STANZIALE, Surrogate of the County of Essex, this day made, on the application of the undersigned, Executrix of said deceased, notice is hereby given to the creditors of said deceased, to exhibit to the subscriber under oath or affirmation, their claims and demands against the estate of said deceased, within six months from this date, or they will be forever barred from prosecuting or recovering the same against the subscriber.

JULIA LENA
CARMELLA MANDORLA

ANTON A. VIT, JR., Attorney
36 Hollywood Avenue
Hillside, N. J.
L.J.—Sept. 17, 24, Oct. 1, 8, 15

Dated: September 10, 1959

ESTATE OF ALFRED EISEN, deceased.

Pursuant to the order of CHARLES A. STANZIALE, Surrogate of the County of Essex, this day made, on the application of the undersigned, Administratrix of said deceased, notice is hereby given to the creditors of said deceased, to exhibit to the subscriber under oath or affirmation, their claims and demands against the estate of said deceased, within six months from this date, or they will be forever barred from prosecuting or recovering the same against the subscriber.

LUCILLE EISEN

STOFFER & JACOBS, Attorneys
744 Broad Street
Newark 2, N. J.
L.J.—Sept. 17, 24, Oct. 1, 8, 15

Dated: September 10, 1959

ESTATE OF MICHAEL J. DOCKERY, deceased.

Pursuant to the order of CHARLES A. STANZIALE, Surrogate of the County of Essex, this day made, on the application of the undersigned, Executor of said deceased, notice is hereby given to the creditors of said deceased, to exhibit to the subscriber under oath or affirmation, their claims and demands against the estate of said deceased, within six months from this date, or they will be forever barred from prosecuting or recovering the same against the subscriber.

THE HOWARD SAVINGS INSTITUTION

J. ELMER HAUSMANN, Attorney
1000 Springfield Avenue
Irvington 11, N. J.
L.J.—Sept. 17, 24, Oct. 1, 8, 15

Dated: September 2, 1959

ESTATE OF MARY E. RORABACK, deceased.

Pursuant to the order of CHARLES A. STANZIALE, Surrogate of the County of Essex, this day made, on the application of the undersigned, Executors of said deceased, notice is hereby given to the creditors of said deceased, to exhibit to the subscribers under oath or affirmation, their claims and demands against the estate of said deceased, within six months from this date, or they will be forever barred from prosecuting or recovering the same against the subscribers.

THE NATIONAL NEWARK AND ESSEX
BANKING COMPANY OF NEWARK
ARTHUR LITTLE

Herman B. Licks, Attorney
6 W. So. Orange Ave.
South Orange, N. J.
L.J.—Sept. 10, 17, 24, Oct. 1, 8

STATE OF NEW JERSEY
DEPARTMENT OF STATE
CERTIFICATE OF DISSOLUTION

To all to whom these presents may come, Greeting:

WHEREAS, It appears to my satisfaction, by duly authenticated record of the proceedings for the voluntary dissolution thereof by the unanimous consent of all the stockholders, deposited in my office that

J. K. REALTY CO.

a corporation of this State, whose principal office is situated at No. 1000 Springfield Avenue, in the Town of Irvington, County of Essex, State of New Jersey (Frederic Stoddard, being the agent therein and in charge thereof upon whom process may be served), has complied with the requirements of Title 14, Corporations, General, of Revised Statutes of New Jersey, preliminary to the issuing of this Certificate of Dissolution.

NOW, THEREFORE, I, the Secretary of State of the State of New Jersey, Do Hereby Certify that the said corporation did, on the Tenth day of September, 1959, file in my office a duly executed and attested consent in writing to the dissolution of said corporation, executed by all the stockholders thereof, which said consent and the record of the proceedings aforesaid are now on file in my said office as provided by law.

IN TESTIMONY WHEREOF, I have hereto set my hand and affixed my official seal, at Trenton this Tenth day of September, A.D., (Seal) one thousand nine hundred and fifty-nine.

EDWARD J. PATTEN,
Secretary of State.

L.J.—Sept. 17, 24, Oct. 1 $21.60

CERTIFICATE OF CHANGE

ENDRESS MOTORS, INC., a corporation of the State of New Jersey, doth hereby certify that it has amended Article FOURTH of the Second Amended Certificate of Incorporation heretofore filed by this corporation, to read as follows, to wit:

"FOURTH. The total authorized capital stock of this corporation is 435 shares, which said stock shall be divided in the manner, hereinafter set forth:

"(a) There shall be 35 shares of common stock, having no par value, called Class "A" stock, which shall entitle the holders thereof to all voting rights.

"(b) There shall be 400 shares of preferred stock, having a par value of $100.00 per share, which shall entitle the holders thereof to equal voting rights with the holders of the Class "A" common stock.

"The designation, preferences, privileges and voting powers of the holders of the preferred stock and the holders of the Class "A" common stock, and the restrictions or qualifications thereof are as follows:

"The holders of the preferred stock shall be entitled to receive a dividend at the rate of five (5%) per cent per annum of the par value of the shares thereof, payable out of any and all surplus net profits quarterly or semi-annually as the By-laws may provide, or, if no provisions therefor be inserted in the By-laws, then as the Board of Directors may from time to time determine before any dividend shall be declared, set apart for, or paid upon the common stock of the corporation.

"Said dividends on the preferred stock shall be cumulative.

"The corporation may redeem the whole or any part of the preferred stock on any dividend date at the option of the Board of Directors, upon sixty (60) days' written notice mailed to the holders of record of such stock, by paying One Hundred Five ($105.00) Dollars in cash for each share of preferred stock so to be redeemed and any declared and unpaid dividends thereon; the premium of Five ($5.00) Dollars above par value being in lieu of any and all claim to participate in any surplus or undivided profits earned and undistributed at the time of such redemption. Any such redemption of less than the whole amount of the outstanding preferred stock shall be on a pro rata basis. Shares of the preferred stock called for redemption shall be cancelled immediately upon redemption and shall from time to time, as may be determined by resolutions of the Board of Directors, be retired in the manner provided by law and the authorized capital stock of the corporation be reduced accordingly.

"In the event of any liquidation or dissolution or winding up of the corporation, whether voluntary or involuntary, there shall be paid to the holders of the preferred stock the par value thereof, and the amount of all declared and unpaid dividends thereon, before any sum shall be paid to or any assets shall be distributed among the holders of the common stock; and, after the payment to the holders of the preferred stock of its par value and any such declared and unpaid dividends thereon, the remaining funds and assets of the corporation shall be paid to and divided among the holders of its common stock pro rata according to their respective holdings thereof."

The amendment hereinabove set forth has been declared by resolution of the Board of Directors of said corporation to be advisable, and has been duly and regularly assented to by the unanimous vote of all the stockholders, at a meeting duly called by the Board of Directors for that purpose.

IN WITNESS WHEREOF, said corporation has caused this Certificate to be signed by its President and attested by its Secretary and its corporate seal to be hereto affixed the 2nd day of September, 1959.

ENDRESS MOTORS, INC.
By JOHN ENDRESS

Attest:
LOUIS SPINE, Secretary

STATE OF NEW JERSEY)
) SS:
COUNTY OF PASSAIC)

BE IT REMEMBERED, That on this 2nd day of September, 1959, before me, the subscriber, a Notary Public of New Jersey, personally appeared LOUIS SPINE, Secretary of ENDRESS MOTORS, INC., the corporation mentioned in and which executed the foregoing certificate, who, being by me duly sworn on his oath says that he is the Secretary and that the seal affixed to said certificate is the corporate seal of said corporation, the same being well known to him; that JOHN ENDRESS is the President of said corporation, and signed said certificate and affixed said seal thereto and delivered said certificate by authority of the Board of Directors and with the unanimous assent of all of the stockholders of said corporation, as and for his voluntary act and deed, and the voluntary act and deed of said corporation, in the presence of deponent, who thereupon subscribed his name thereto as witness.

AND he further says that all of the stockholders of said corporation have consented to the same.

LOUIS SPINE

Subscribed and Sworn to
before me at
Paterson, N. J. the
day and year first above
written.
CATHERINE J. SANTHOUSE
Notary Public of New Jersey
Commission expires Dec. 23, 1959
L.J.—Sept. 17, 24, Oct. 1 $72.48

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Our representative will be happy to call on you to explain this service in detail.

LEGAL NOTICES

TAKE NOTICE that the undersigned will apply to the ESSEX COUNTY COURT on October 7th, 1959 at two o'clock in the afternoon at the Court House, Newark, New Jersey for a Judgment authorizing them to assume the names of Sidney Ahrens, Flora Ahrens and Hari Gail Ahrens.

Sidney Arenofsky
Flora Arenofsky
Hari Gail Ahrens, an infant by her parents and natural guardians,
Sidney Arenofsky and
Flora Arenofsky

Abe Silverstein, Attorney
67 Main Street
Millburn, N. J.
L.J.—Sept. 10, 17, 24, Oct. 1 $12.60

STATE OF NEW JERSEY
DEPARTMENT OF STATE
CERTIFICATE OF DISSOLUTION

To all to whom these presents may come, Greeting:

WHEREAS, It appears to my satisfaction, by duly authenticated record of the proceedings for the voluntary dissolution thereof by the unanimous consent of all the stockholders, deposited in my office that

CHEAP SY'S

a corporation of this State, whose principal office is situated at No. 921 Bergen Avenue, in the City of Jersey City, County of Hudson, State of New Jersey (Julius D. Canter, being the agent therein and in charge thereof upon whom process may be served), has complied with the requirements of Title 14, Corporations, General, of Revised Statutes of New Jersey, preliminary to the issuing of this Certificate of Dissolution.

NOW, THEREFORE, I, the Secretary of State of the State of New Jersey, Do Hereby Certify that the said corporation did, on the Eleventh day of September, 1959, file in my office a duly executed and attested consent in writing to the dissolution of said corporation, executed by all the stockholders thereof, which said consent and the record of the proceedings aforesaid are now on file in my said office as provided by law.

IN TESTIMONY WHEREOF, I have hereto set my hand and affixed my official seal, at Trenton, this Eleventh day of September, (Seal) A.D., one thousand nine hundred and fifty-nine.

EDWARD J. PATTEN,
Secretary of State.
L.J.—Sept. 17, 24, Oct. 1 $21.60

STATE OF NEW JERSEY
DEPARTMENT OF STATE
CERTIFICATE OF DISSOLUTION

To all to whom these presents may come Greeting:

WHEREAS, It appears to my satisfaction, by duly authenticated record of the proceedings for the voluntary dissolution thereof by the unanimous consent of all the stockholders, deposited in my office that

WILLIAMS AND LONDON
PUBLIC RELATIONS

a corporation of this State, whose principal office is situated at No. 58 Park Place, in the City of Newark, County of Essex, State of New Jersey (Emanuel London, being the agent therein and in charge thereof, upon whom process may be served), has complied with the requirements of Title 14, Corporations, General, of Revised Statutes of New Jersey, preliminary to the issuing of this Certificate of Dissolution.

NOW, THEREFORE, I, the Secretary of State of the State of New Jersey, Do Hereby Certify that the said corporation did, on the Eighth day of September, 1959, file in my office a duly executed and attested consent in writing to the dissolution of said corporation, executed by all the stockholders thereof, which said consent and the record of the proceedings aforesaid are now on file in my said office as provided by law.

IN TESTIMONY WHEREOF, I have hereto set my hand and affixed my official seal, at Trenton, this Eighth day of September, (Seal) A.D., one thousand nine hundred and fifty-nine.

EDWARD J. PATTEN,
Secretary of State.
L.J.—Sept. 17, 24, Oct. 1 $21.60

STATE OF NEW JERSEY
DEPARTMENT OF STATE
CERTIFICATE OF DISSOLUTION

To all to whom these presents may come, Greeting:

WHEREAS, It appears to my satisfaction, by duly authenticated record of the proceedings for the voluntary dissolution thereof by the unanimous consent of all the stockholders, deposited in my office that

LA FERA HOLDING COMPANY

a corporation of this State, whose principal office is situated at No. 95 Oxford Street, in the Borough of Glen Ridge, County of Essex, State of New Jersey (Charles E. Bloom, Jr., being the agent therein and in charge thereof, upon whom process may be served), has complied with the requirements of Title 14, Corporations, General, of Revised Statutes of New Jersey, preliminary to the issuing of this Certificate of Dissolution.

NOW, THEREFORE, I, the Secretary of State of the State of New Jersey, Do Hereby Certify that the said corporation did, on the Thirty-first day of August, 1959, file in my office a duly executed and attested consent in writing to the dissolution of said corporation, executed by all the stockholders thereof, which said consent and the record of the proceedings aforesaid are now on file in my said office as provided by law.

IN TESTIMONY WHEREOF, I have hereto set my hand and affixed my official seal, at Trenton, this Thirty-first day of August, A.D., (Seal) one thousand nine hundred and fifty-nine.

EDWARD J. PATTEN,
Secretary of State.
L.J.—Sept. 17, 24, Oct. 1 $21.60

STATE OF NEW JERSEY
DEPARTMENT OF STATE
CERTIFICATE OF DISSOLUTION

To all to whom these presents may come Greeting:

WHEREAS, It appears to my satisfaction by duly authenticated record of the proceedings for the voluntary dissolution thereof by the unanimous consent of all the stockholders, deposited in my office that

STONE BROS. INC.

a corporation of this State, whose principal office is situated at No. 125 Broad Street, in the City of Elizabeth, County of Union, State of New Jersey (Louis Lebowitz, being the agent therein and in charge thereof upon whom process may be served), has complied with the requirements of Title 14, Corporations, General, of Revised Statutes of New Jersey, preliminary to the issuing of this Certificate of Dissolution.

NOW, THEREFORE, I, the Secretary of State of the State of New Jersey, Do Hereby Certify that the said corporation did, on the Eighth day of September, 1959, file in my office a duly executed and attested consent in writing to the dissolution of said corporation, executed by all the stockholders thereof, which said consent and the record of the proceedings aforesaid are now on file in my said office as provided by law.

IN TESTIMONY WHEREOF, I have hereto set my hand and affixed my official seal, at Trenton, this Eighth day of September, A.D., (Seal) one thousand nine hundred and fifty-nine.

EDWARD J. PATTEN,
Secretary of State.
L.J.—Sept. 17, 24, Oct. 1 $21.60

STATE OF NEW JERSEY
DEPARTMENT OF STATE
CERTIFICATE OF DISSOLUTION

To all to whom these presents may come, Greeting:

WHEREAS, It appears to my satisfaction, by duly authenticated record of the proceedings for the voluntary dissolution thereof by the unanimous consent of all the stockholders, deposited in my office that

ACME HOTEL, INC.

a corporation of this State, whose principal office is situated at No. 744 Broad Street (Room 1203) in the City of Newark, County of Essex, State of New Jersey (William A. Schilling, being the agent therein and in charge thereof, upon whom process may be served), has complied with the requirements of Title 14, Corporations, General, of Revised Statutes of New Jersey, preliminary to the issuing of this Certificate of Dissolution.

NOW, THEREFORE, I, the Secretary of State of the State of New Jersey, Do Hereby Certify that the said corporation did, on the Eighth day of September, 1959, file in my office a duly executed and attested consent in writing to the dissolution of said corporation, executed by all the stockholders thereof, which said consent and the record of the proceedings aforesaid are now on file in my said office as provided by law.

IN TESTIMONY WHEREOF, I have hereto set my hand and affixed my official seal, at Trenton, this Eighth day of September, (Seal) A.D., one thousand nine hundred and fifty-nine.

EDWARD J. PATTEN,
Secretary of State.
L.J.—Sept. 17, 24, Oct. 1 $21.60

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION ESSEX COUNTY
(DOCKET NO. C-2075-55)
Civil Action
NOTICE OF SETTLEMENT OF GUARDIAN'S ACCOUNT

In the Matter of the Guardianship)
of)
CAROLINE G. HOWE, an incompetent)

Notice is hereby given that the account of Fidelity Union Trust Company, guardian of the person and property of Caroline G. Howe (now deceased), covering its administration of the incompetent's estate from June 21, 1956, to and including April 8, 1959, will be audited and stated by the Clerk of the Superior Court of New Jersey, Chancery Division, at the Hall of Records in the City of Newark, Essex County, New Jersey on Friday, October 16, 1959, at 10 o'clock in the forenoon or as soon thereafter as counsel can be heard, and that at the same time and place application will be made for the payment to the guardian of commissions together with a counsel fee to Messrs. Stryker, Tams & Horner, attorneys for the guardian.

Dated: September 10, 1959.

FIDELITY UNION TRUST COMPANY
By Johns S. Bacheller
Vice President and Trust Officer
Guardian of the person and property of Caroline G. Howe deceased.

Stryker, Tams & Horner
744 Broad Street
Newark 2, New Jersey
Attorneys for the Guardian
L.J.—Sept. 17, 24, Oct. 1, 8 $28.98

SHERIFF'S SALE
SUPERIOR (CHAN.) C-485
SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION, ESSEX COUNTY
DOCKET NO. F-1965-58

Between Federal National Mortgage Association, a corporation of the United States, Plaintiff, and Ernest Williams and Ollie M. Williams, his wife, et als., Defendants. EXECUTION For Sale of Mortgaged Premises.

By virtue of the above stated writ of EXECUTION, to me directed, I shall expose for sale by Public Vendue, in Room B-16, at the COURT HOUSE, in Newark, on Tuesday, the thirteenth day of October, next, at 1:30 p.m. (Prevailing Time), all that tract or parcel of land situate, lying and being in the City of Newark, Essex County, New Jersey.

BEGINNING in the westerly line of South 7th Street distant one hundred and eighty-seven feet six inches south from the corner formed by the intersection of the southerly line of Central Avenue with the said line of South 7th Street; thence westerly at right angles to South 7th Street one hundred feet; thence running southerly and parallel with South 7th Street thirty-seven feet six inches; thence easterly and parallel with the first mentioned line one hundred feet to the westerly line of South 7th Street as aforesaid; thence northerly along the said line of South 7th Street thirty-seven feet six inches to the point or place of BEGINNING.

Being known and designated as Street Number 43 So. 7th Street, Newark, N. J.

The approximate amount of the Judgment to be satisfied by said sale is the sum of Six Thousand, Four Hundred Four Dollars and Twenty-eight Cents ($6,404.28), together with the costs of this sale.

Newark, New Jersey, September 8, 1959.

NEIL G. DUFFY, Sheriff.
Greenbaum & Greenbaum, Attys.
L.J.—Sept. 17, 24, Oct. 1, 8 $36.54

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION, ESSEX COUNTY
(Docket #F 2726-58)

(L.S.) STATE OF NEW JERSEY to ALLEN MACK and PATSY MACK, his wife:

YOU ARE HEREBY SUMMONED AND REQUIRED to serve upon Samuel Dreskin, plaintiff's attorney, whose address is 744 Broad Street, Newark, New Jersey, an answer to the complaint filed in a civil action, in which the Newark Federal Savings and Loan Association, a Savings and Loan Association organized and existing under the laws of the United States of America, is plaintiff, and ALLEN MACK and PATSY MACK, his wife, UNITED STATES OF AMERICA and GENERAL INVESTMENT CORP., a corporation of New Jersey, are defendants pending in the Superior Court of New Jersey, Chancery Division, within 35 days after October 1, 1959 exclusive of such date. If you fail to do so, judgment by default may be rendered against you for the relief demanded in the complaint. You shall file your answer and proof of service in duplicate with the Clerk of the Superior Court, State House, Trenton, New Jersey, in accordance with the rules of civil practice and procedure.

The action has been instituted for the purpose of (1) foreclosing a mortgage dated February 21, 1957 made by Allen Mack and Patsy Mack, his wife, as mortgagors and payable to the NATIONAL MORTGAGE COMPANY, a corporation of New Jersey, recorded in Book 3457 page 457 in Essex County, which mortgage was assigned on March 8, 1957, to said plaintiff, and (2) to recover possession of, and concerns, premises commonly known as #48½ Second Street in the City of Newark, Essex County, New Jersey.

You, Allen Mack and Patsy Mack, his wife, are made defendants because you are the owners of record of the premises described in the mortgage and subject thereto, and because you are the obligors on the bond secured by said mortgage and may be liable for any deficiency resulting from a sale of the mortgaged premises.

DATED: September 3rd, 1959

I. GRANT SCOTT
Clerk of the Superior Court
L.J.—Sept. 10, 17, 24, Oct. 1 $38.43

Dated: August 28, 1959

ESTATE OF JAMES F. CONROY, deceased.

Pursuant to the order of CHARLES A. STANZIALE, Surrogate of the County of Essex, this day made, on the application of the undersigned, Administrator of said deceased, notice is hereby given to the creditors of said deceased, to exhibit to the subscriber under oath or affirmation, their claims and demands against the estate of said deceased, within six months from this date, or they will be forever barred from prosecuting or recovering the same against the subscriber

ARMAND A. CASSINI

Armand A. Cassini, Attorney
280 Central Ave.
Orange, N. J.
L.J.—Sept. 3, 10, 17, 24, Oct. 1

STATE OF NEW JERSEY
DEPARTMENT OF STATE
CERTIFICATE OF DISSOLUTION

To all to whom these presents may come, Greeting:

WHEREAS, It appears to my satisfaction by duly authenticated record of the proceedings for the voluntary dissolution thereof by the unanimous consent of all the stockholders, deposited in my office that

R. B. TOOL CO., INC.

a corporation of this State, whose principal office is situated at No. 17 Roff Avenue, in the City of Palisades Park, County of Ber-the Borough of Palisades Park, County of Bergen, State of New Jersey (Blanche Pilson, being the agent therein and in charge thereof upon whom process may be served), has complied with the requirements of Title 14, Corporations, General, of Revised Statutes of New Jersey, preliminary to the issuing of this Certificate of Dissolution.

NOW, THEREFORE, I, the Secretary of State of the State of New Jersey, Do Hereby Certify that the said corporation did, on the Twenty-sixth day of August, 1959, file in my office a duly executed and attested consent in writing to the dissolution of said corporation, executed by all the stockholders thereof, which said consent and the record of the proceedings aforesaid are now on file in my said office as provided by law.

IN TESTIMONY WHEREOF, I have hereto set my hand and affixed my official seal, at Trenton this Twenty-sixth day of August, (Seal) A.D., one thousand nine hundred and fifty-nine.

EDWARD J. PATTEN,
Secretary of State.
L.J.—Sept. 3, 10, 17 $21.60

STATE OF NEW JERSEY
DEPARTMENT OF STATE
CERTIFICATE OF DISSOLUTION

To all to whom these presents may come, Greeting:

WHEREAS, It appears to my satisfaction, by duly authenticated record of the proceedings for the voluntary dissolution thereof by the unanimous consent of all the stockholders, deposited in my office that

KENLEIGH ESTATES, INC.

a corporation of this State, whose principal office is situated at No. 744 Broad Street, in the City of Newark, County of Essex, State of New Jersey (Max Sherman, being the agent therein and in charge thereof, upon whom process may be served), has complied with the requirements of Title 14, Corporations, General, of Revised Statutes of New Jersey, preliminary to the issuing of this Certificate of Dissolution.

NOW, THEREFORE, I, the Secretary of State of the State of New Jersey, Do Hereby Certify that the said corporation did, on the Twenty-sixth day of August, 1959, file in my office a duly executed and attested consent in writing to the dissolution of said corporation, executed by all the stockholders thereof, which said consent and the record of the proceedings aforesaid are now on file in my said office as provided by law.

IN TESTIMONY WHEREOF, I have hereto set my hand and affixed my official seal, at Trenton, this Twenty-sixth day of August, (Seal) A.D., one thousand nine hundred and fifty-nine.

EDWARD J. PATTEN,
Secretary of State.
L.J.—Sept. 3, 10, 17 $21.60

STATE OF NEW JERSEY
DEPARTMENT OF STATE
CERTIFICATE OF DISSOLUTION

To all to whom these presents may come, Greeting:

WHEREAS, It appears to my satisfaction, by duly authenticated record of the proceedings for the voluntary dissolution thereof by the unanimous consent of all the stockholders, deposited in my office that

HYDROMECHANICS, INC.

a corporation of this State, whose principal office is situated at No. 70 Oakner Parkway, in the Township of Livingston, County of Essex, State of New Jersey (Bernard Moss, being the agent therein and in charge thereof, upon whom process may be served), has complied with the requirements of Title 14, Corporations, General, of Revised Statutes of New Jersey, preliminary to the issuing of this Certificate of Dissolution.

NOW, THEREFORE, I, the Secretary of State of the State of New Jersey, Do Hereby Certify that the said corporation did, on the Twenty-eighth day of August, 1959, file in my office a duly executed and attested consent in writing to the dissolution of said corporation, executed by all the stockholders thereof, which said consent and the record of the proceedings aforesaid are now on file in my said office as provided by law.

IN TESTIMONY WHEREOF, I have hereto set my hand and affixed my official seal, at Trenton, this Twenty-eighth day of August, (Seal) A.D., one thousand nine hundred and fifty-nine.

EDWARD J. PATTEN,
Secretary of State.
L.J.—Sept. 10, 17, 24 $21.60

STATE OF NEW JERSEY
DEPARTMENT OF STATE
CERTIFICATE OF DISSOLUTION

To all to whom these presents may come, Greeting:

WHEREAS, It appears to my satisfaction, by duly authenticated record of the proceedings for the voluntary dissolution thereof by the unanimous consent of all the stockholders, deposited in my office that

TELFER STUDIOS

a corporation of this State, whose principal office is situated at No. 521 Millburn Avenue, in the Town of (Millburn) Short Hills, County of Essex, State of New Jersey (Betty Telfer, being the agent therein and in charge thereof, upon whom process may be served), has complied with the requirements of Title 14, Corporations, General, of Revised Statutes of New Jersey, preliminary to the issuing of this Certificate of Dissolution.

NOW, THEREFORE, I, the Secretary of State of the State of New Jersey, Do Hereby Certify that the said corporation did, on the Twenty-eighth day of August, 1959, file in my office a duly executed and attested consent in writing to the dissolution of said corporation, executed by all the stockholders thereof, which said consent and the record of the proceedings aforesaid are now on file in my said office as provided by law.

IN TESTIMONY WHEREOF, I have hereto set my hand and affixed my official seal, at Trenton, this Twenty-eighth day of August, (Seal) A.D., one thousand nine hundred and fifty-nine.

EDWARD J. PATTEN,
Secretary of State.
L.J.—Sept. 10, 17, 24 $21.60

SHERIFF'S SALE
SUPERIOR (CHAN.) C-477
SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION, ESSEX
COUNTY—DOCKET NO. F-[illegible]

Between Arrow Savings and Loan Associa
a New Jersey corporation, Plaintiff
Carrie Pristell, et als., Defendants
ECUTION For Sale of Mortgaged Prem

By virtue of the above stated writ
EXECUTION, to me directed, I shall ex
for Sale by Public Vendue, in Room B
at the COURT HOUSE, in Newark
Tuesday, the 22nd day of September
at 1:30 p.m. (Prevailing Time), all
tract or parcel of land and premises
after particularly described, situate
and being in the City of Newark
County of Essex, and State of New Je

BEGINNING at a point in the sou
line of 11th Avenue at a point there
tant northwesterly 100 feet from the
section formed by the southerly line of
Avenue and the westerly line of South
Street; thence running (1) north 61 de
22 minutes west 33.82 feet; thence (2)
25 degrees 52 minutes west 97.91 f
thence (3) south 60 degrees 8 minutes
26.98 feet to the westerly line of prop
conveyed to Peter Sanders and thence
along said Peter Sanders westerly line
29 degrees 52 minutes east 98.5
the southerly line of 11th Avenue and
point and place of Beginning.

Being known as No. 46 11th Av
Newark, New Jersey, and being also kn
as Lot 64, Block 1820, Tax Assess
Maps of Newark, New Jersey.

Subject to unpaid taxes, the
of municipal ordinances and other
municipal, State and Federal regulat
rights of tenants and occupants, if
restrictions and easements of record, i
and to such facts as would be revealed
an accurate survey.

The approximate amount of the Judg
to be satisfied by said sale is the sum
Eleven Thousand, Five Hundred and
Dollars and Eighty-six Cents ($11,5
together with the costs of this sale.
Newark, New Jersey, August 17, 195

NEIL G. DUFFY, Sheri
Zucker & Goldberg, Att
I. J.—Aug. 27, Sept. 3, 10, 17 $14

STATE OF NEW JERSEY
DEPARTMENT OF STATE
CERTIFICATE OF DISSOLUTI

To all to whom these presents may
Greeting:

WHEREAS, It appears to my satisfact
by duly authenticated record of the pro
ings for the voluntary dissolution th
by the unanimous consent of all the st
holders, deposited in my office that

MERANUS & SON

a corporation of this State, whose prin
office is situated at No. 17 A
in the City of Newark, County of E
State of New Jersey (Bernard Fr
being the agent therein and in charge the
upon whom process may be serve
complied with the requirements of Title
Corporations, General, of Revised Sta
of New Jersey, preliminary to the iss
of this Certificate of Dissolution.

NOW, THEREFORE, I, the Secreta
State of the State of New Jersey, Do He
Certify that the said corporation did
Twenty-seventh day of August, 1959, fi
my office a duly executed and attested c
in writing to the dissolution of said
poration, executed by all the stockh
thereof, which said consent and the re
of the proceedings aforesaid are now o
in my said office as provided by law.

IN TESTIMONY WHEREO
have hereto set my hand and
fixed my official seal, at Tre
this Twenty-seventh day of Au
(Seal) A.D., one thousand nine hun
and fifty-nine.
EDWARD J. PATTEN
Secretary of State
I. J.—Sept. 3, 10, 17

STATE OF NEW JERSEY
DEPARTMENT OF STATE
CERTIFICATE OF DISSOLUTI

To all to whom these presents ma
Greeting:

WHEREAS, It appears to my satisf
by duly authenticated record of the pro
ings for the voluntary dissolution th
by the consent of all the membe
present, that

CIRCOLO EMILIO RICCI
TORREMAGGIORESE, IN

a corporation of this State, has com
with all the requirements of Title 15, C
porations and Associations Not for P
Revised Statutes of New Jersey, prelim
the issuing of this certificate of dissol

NOW THEREFORE, I, the Secreta
State of the State of New Jersey,
HEREBY CERTIFY, that the said corpo
tion did, on the Nineteenth day of Aug
A.D., 1959, file in my office a duly ex
and attested consent in writing to
dissolution of said corporation, which
consent and the record of the proceedi
aforesaid, are now on file in my said o
as provided by law.

IN TESTIMONY WHEREO
have hereunto set my hand an
fixed my Official Seal, at Tre
this Nineteenth day of Augus
(Seal) Nineteen hundred and fifty-
EDWARD J. PATTEN
Secretary of State
L.J.—Aug. 27, Sept. 3, 10, 17

TAKE NOTICE that the undersigned
apply to the Essex County Court o
23rd day of September, 1959 at 10 o'
in the forenoon, at the Court Hou
Newark, New Jersey, for a Judgment auth
ing her to assume the name of Donna M
Jubin.

Donna Marie North
an infant, by Mary W. J
her mother and natural gua

Edward Stanton
519 Main Street
East Orange, New Jersey
L.J.—Aug. 27, Sept. 3, 10, 17

TO WHOM IT MAY CONCERN

TAKE NOTICE that the undersigned
apply to the Essex County Court
House, Newark, New Jersey on We
September 23, 1959 at 2:00 in the a
noon, for a Judgment to assume the
of Julia M. Young, Charles A. You
Charles Richard Young, respectively
Julia M. Young, also known as Julia
Yanuskavich and Charles A. Young
known as Charles A. Yanuskavich, in
ually and as natural guardian of Ch
Richard Young, also known as Ch
Richard Yanuskavich.

BENDIT & WEINSTOCK
1060 Broad Street
Newark 2, New Jersey
L.J.—Aug. 27, Sept. 3, 10, 17

TAKE NOTICE that the undersigned
apply to the Essex County Court
House, Newark, New Jersey, on the 23rd
of September, 1959, at 10:00 AM for a
ment authorizing NICHOLAS H. POLITA
to assume the name of NICHOLAS H. P
TAN.

NICHOLAS H. POLITANO
JOHN G. MALANGA
335 Roseville Avenue
Newark, N. J.
L.J.—Sept. 3, 10, 17, 24

STATE OF NEW JERSEY
EPARTMENT OF STATE
RTIFICATE OF DISSOLUTION
whom these presents may come,

EAS, It appears to my satisfaction, authenticated record of the proceedings for the voluntary dissolution thereof by the unanimous consent of all the stockholders, deposited in my office that
MY MILIGAN CORPORATION
ation of this State, whose principal office is situated at No. 790 Broad Street, City of Newark, County of Essex, New Jersey (Harry A. Sosnow, agent therein and in charge thereof, whom process may be served), has with the requirements of Title 14, General, of Revised Statutes Jersey, preliminary to the issuing Certificate of Dissolution.

THEREFORE, I, the Secretary of the State of New Jersey, Do Hereby that the said corporation did, on the day of August, 1959, file in duly executed and attested consent to the dissolution of said cor- executed by all the stockholders which said consent and the record proceedings aforesaid are now on file office as provided by law.

IN TESTIMONY WHEREOF, I
have hereto set my hand and af-
fixed my official seal, at Trenton,
this Thirty-first day of August, A.D.,
one thousand nine hundred and
fifty-nine.
EDWARD J. PATTEN,
Secretary of State.

17, 24 $21.60

ESSEX COUNTY COURT
KET NO.
Civil Action
NOTICE

Application)
SCHANERMAN, an)
his Mother and)
ETHEL)
ERMAN for leave to assume)
SEYMOUR GEHL.)

NOTICE that the undersigned will the Essex County Court on October at 2:00 o'clock in the afternoon Court House, Newark, New Jersey, for authorizing him to assume the SEYMOUR GEHL.

Seymour Schanerman,
an infant by, Ethel
Schanerman, his mother
and Natural Guardian.
& Marsh
Street
New Jersey
24, Oct. 1 $18.90

STATE OF NEW JERSEY
PARTMENT OF STATE
CERTIFICATE OF DISSOLUTION
whom these *presents may come,*

EAS, It appears to my satisfaction, authenticated record of the proceed- the voluntary dissolution thereof unanimous consent of all the stock- in my office that
APARTMENTS CO.
this State, whose principal at No. 60 Park Place, Newark, County of Essex, New Jersey (Jacob Rekoon, agent therein and in charge thereof, process may be served), has with the requirements of Title 14, General, of Revised Statutes Jersey, preliminary to the issuing of Dissolution.

THEREFORE, I, the Secretary of the State of New Jersey, Do Hereby the said corporation did on the August, 1959, file in my executed and attested con- the dissolution of said cor- by all the stockholders consent and the record aforesaid are now on file provided by law.

IN TESTIMONY WHEREOF, I
have hereto set my hand and af-
fixed my official seal, at Trenton,
day of August, A.D.,
nine hundred and
EDWARD J. PATTEN,
of State.
17, 24 $21.60

OF REDEMPTION
OF CAPITAL STOCK OF
CORPORATION

the principal office in this Court, City of Newark, the agent therein and in upon whom process against may be served is E. G.

with the provisions of Title Revised Statutes, we, E. G. Robi- and C. G. Nelson, assistant Corporation, a corpora- State of New Jersey, do hereby Board of Directors of said by resolutions duly adopted, on the date hereinbelow following kinds and number stock of said corporation:

CLASS OF STOCK
5% non-cumulative pre- the par value of $100.00 all of the issued and of that class.

DATE OF REDEMPTION:
October 31, 1958.

WITNESS WHEREOF, said corporation certificate under its seal and of its president and assistant day of August 1959.

E. G. ROBISON,
President
C. G. NELSON,
Assistant Secretary

NELSON

OF NEW JERSEY)
) SS.
OF ESSEX)

BE IT REMEMBERED that on this 26th 1959, before me the subscriber, C. G. Nelson, assistant Vita-Var Corporation, the cor- named in and which executed the certificate, who, being by me duly according to law, does depose and make proof to my satisfaction that assistant secretary of said corpora- the seal affixed to said corporation is the corporate seal of said cor- the same being well known by him: was affixed by order of said corpora- E. G. Robison is the president of that he saw said E. G. as such president sign said certifi- voluntary act and deed of corpora- order and by authority of its Directors and that said C. G. Nelson same thereto at the same time as witness.

C. G. NELSON,
Assistant Secretary

and sworn to
this 26th day
1959
RAIMO
Public of N. J.
expires Sept. 2, 1959
10, 17, 24 $41.76

STATE OF NEW JERSEY
DEPARTMENT OF STATE
CERTIFICATE OF DISSOLUTION
To all to whom these presents may come,
Greeting:

WHEREAS, It appears to my satisfaction, by duly authenticated record of the proceedings for the voluntary dissolution thereof by the unanimous consent of all the stockholders, deposited in my office that
THIRTY SEVEN ELM STREET CORPORATION
a corporation of this State, whose principal office is situated at No. 245 East Walnut Street, in the Township of Union, County of Union, State of New Jersey (Paul Meisel, being the agent therein and in charge thereof, upon whom process may be served), has complied with the requirements of Title 14, Corporations, General, of Revised Statutes of New Jersey, preliminary to the issuing of this Certificate of Dissolution.

NOW, THEREFORE, I, the Secretary of State of the State of New Jersey, Do Hereby Certify that the said corporation did, on the Third day of September, 1959, file in my office a duly executed and attested consent in writing to the dissolution of said corporation, executed by all the stockholders thereof, which said consent and the record of the proceedings aforesaid are now on file in my said office as provided by law.

IN TESTIMONY WHEREOF, I
have hereto set my hand and af-
fixed my official seal, at Trenton,
this Third day of September, A.D.,
(Seal) one thousand nine hundred and
fifty-nine.
EDWARD J. PATTEN,
Secretary of State.
L.J.—Sept. 10, 17, 24 $21.60

STATE OF NEW JERSEY
DEPARTMENT OF STATE
CERTIFICATE OF DISSOLUTION
To all to whom these presents may come,
Greeting:

WHEREAS, It appears to my satisfaction, by duly authenticated record of the proceedings for the voluntary dissolution thereof by the unanimous consent of all the stockholders, deposited in my office that
LOUBEN HOLDING CO.
a corporation of this State, whose principal office is situated at No. 675 South Tenth Street, in the City of Newark, County of Essex, State of New Jersey (Isadore Rubin, being the agent therein and in charge thereof, upon whom process may be served), has complied with the requirements of Title 14, Corporations, General, of Revised Statutes of New Jersey, preliminary to the issuing of this Certificate of Dissolution.

NOW, THEREFORE, I, the Secretary of State of the State of New Jersey, Do Hereby Certify that the said corporation did, on the Third day of September, 1959, file in my office a duly executed and attested consent in writing to the dissolution of said corporation, executed by all the stockholders thereof, which said consent and the record of the proceedings aforesaid are now on file in my said office as provided by law.

IN TESTIMONY WHEREOF, I
have hereto set my hand and af-
fixed my official seal, at Trenton,
this Third day of September, A.D.,
(Seal) one thousand nine hundred and
fifty-nine.
EDWARD J. PATTEN,
Secretary of State.
L.J.—Sept. 10, 17, 24 $21.60

Dated: September 2, 1959
ESTATE OF HAROLD B. DUNPHEY,
deceased.

Pursuant to the order of CHARLES A. STANZIALE, Surrogate of the County of Essex, this day made, on the application of the undersigned, Executor of said deceased, notice is hereby given to the creditors of said deceased, to exhibit to the subscriber under oath or affirmation, their claims and demands against the estate of said deceased, within six months from this date, or they will be forever barred from prosecuting or recovering the same against the subscriber.

HARVEY DUNPHEY
Jacob Zimmerman, Attorney
17 Academy St.
Newark 2, N. J.
L.J.—Sept. 10, 17, 24, Oct. 1, 8

Dated: September 2, 1959
ESTATE OF EDWARD A. CONDIT,
deceased.

Pursuant to the order of CHARLES A. STANZIALE, Surrogate of the County of Essex, this day made, on the application of the undersigned, Executor of said deceased, notice is hereby given to the creditors of said deceased, to exhibit to the subscriber under oath or affirmation, their claims and demands against the estate of said deceased, within six months from this date, or they will be forever barred from prosecuting or recovering the same against the subscriber.

MONTCLAIR NATIONAL BANK AND
TRUST COMPANY
Boyd, Dodd, Keer & Booth, Attorneys
31 Park St.
Montclair, N. J.
L.J.—Sept. 10, 17, 24, Oct. 1, 8

Dated: September 2, 1959
ESTATE OF MARY A. BURNS, deceased.

Pursuant to the order of CHARLES A. STANZIALE, Surrogate of the County of Essex, this day made, on the application of the undersigned, Executor of said deceased, notice is hereby given to the creditors of said deceased, to exhibit to the subscriber under oath or affirmation, their claims and demands against the estate of said deceased, within six months from this date, or they will be forever barred from prosecuting or recovering the same against the subscriber.

JAMES J. FITZSIMMONS
Matthew J. Reilly, Attorney
24 Commerce St.
Newark 2, N. J.
L.J.—Sept. 10, 17, 24, Oct. 1, 8

STATE OF NEW JERSEY
DEPARTMENT OF STATE
CERTIFICATE OF DISSOLUTION
To all to whom these presents may come
Greeting:

WHEREAS, It appears to my satisfaction, by duly authenticated record of the proceedings for the voluntary dissolution thereof by the unanimous consent of all the stockholders, deposited in my office that
JEN KEL REALTY CO.
a corporation of this State, whose principal office is situated at No. 1000 Springfield Avenue, in the Town of Irvington, County of Essex, State of New Jersey (Frederic Stoddard, being the agent therein and in charge thereof, upon whom process may be served), has complied with the requirements of Title 14, Corporations, General, of Revised Statutes of New Jersey, preliminary to the issuing of this Certificate of Dissolution.

NOW, THEREFORE, I, the Secretary of State of the State of New Jersey, Do Hereby Certify that the said corporation did, on the Tenth day of September, 1959, file in my office a duly executed and attested consent in writing to the dissolution of said corporation, executed by all the stockholders thereof, which said consent and the record of the proceedings aforesaid are now on file in my said office as provided by law.

IN TESTIMONY WHEREOF, I
have hereto set my hand and af-
fixed my official seal, at Trenton,
this Tenth day of September, A.D.,
(Seal) one thousand nine hundred and
fifty-nine.
EDWARD J. PATTEN,
Secretary of State.
L.J.—Sept. 17, 24, Oct. 1 $21.60

Dated: August 11, 1959
ESTATE OF JOE ECKEL, deceased

Pursuant to the order of CHARLES A. STANZIALE, Surrogate of the County of Essex, this day made, on the application of the undersigned, Executor of said dceased, notice is hereby given to the creditors of said deceased, to exhibit to the subscriber under oath or affirmation, their claims and demands against the estate of said deceased, within six months from this date, or they will be forever barred from prosecuting or recovering the same against the subscriber.

MORRIS SROKA
Jacob R. Mantel, Attorney
34 Maple St.
Summit, N. J.
L.J.—Aug. 20, 27, Sept. 3, 10, 17

Dated: August 12, 1959
ESTATE OF ROSE RICHTER, deceased

Pursuant to the order of CHARLES A. STANZIALE, Surrogate of the County of Essex, this day made, on the application of the undersigned, Executor of said deceased, notice is hereby given to the creditors of said deceased, to exhibit to the subscriber under oath or affirmation, their claims and demands against the estate of said deceased, within six months from this date, or they will be forever barred from prosecuting or recovering the same against the subscriber.

JOSEPH RICHTER
Curt C. Silberman, Attorney
589 Central Ave.
East Orange, N. J.
L.J.—Aug. 20, 27, Sept. 3, 10, 17

TO THE CREDITORS OF MOUNTAINVIEW SAVINGS AND LOAN ASSOCIATION, a savings and loan association organized under the laws of the State of New Jersey, now known as Mountainview Savings and Loan Association Liquidating Corporation (now in voluntary dissolution).

Public notice is hereby given in accordance with the applicable statutes of New Jersey to the creditors of the Mountainview Savings and Loan Association, now known as Mountainview Savings and Loan Association Liquidating Corporation, to bring in, under oath, their debts, demands and claims against such association within three months from the date hereof, or be forever barred from any action therefor, or on account thereof, against such association, its directors, officers or members.

Proofs of such claims must be filed at the office of said liquidating corporation with the registered agent, Albert C. Kraft, 1065 Springfield Avenue, Irvington, New Jersey.

MOUNTAINVIEW SAVINGS AND
LOAN ASSOCIATION LIQUIDAT-
ING CORPORATION (formerly
known as MOUNTAINVIEW SAV-
INGS AND LOAN ASSOCIATION)
By: CHRISTIAN A. SEIFRIED,
President

ATTEST:
WILLIAM J. BRUNNER, Secretary
DATED: August 20, 1959
Albert C. Kraft, Counsel,
1065 Springfield Avenue,
Irvington, New Jersey
L.J.—Aug. 20, 27, Sept. 3, 10, 17, 24,
Oct. 1, 8, 15, 22, 29, Nov. 5, 12 $85.14

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - ESSEX COUNTY
DOCKET NO. L14913-58

MARNIE SLOANE CURTIS, :
Plaintiff :
vs :
PETER CURTIS, also known as :
HOWARD CURTIS, also known as :
HOWARD B. CURTIS :
Defendant

TO: PETER CURTIS, also known as HOWARD CURTIS and HOWARD B. CURTIS

You are hereby notified that a writ of attachment was issued in the above entitled cause at the suit of Marnie Sloane Curtis, on August 5, 1959, directing the Sheriff of Essex County to attach the goods and chattels, moneys and effects, rights and credits, lands and tenements belonging to you, as an absconding debtor, for the amount of $6,539.21, and that the said Sheriff, pursuant thereto, levied upon monies due or to become due the defendant, Peter Curtis, also known as Howard Curtis, also known as Howard B. Curtis from The B. Manischewitz Company at 9 Clinton Street, Newark, New Jersey, on August 14, 1959. The said Sheriff duly returned the writ with the levy endorsed thereon to the Clerk of the Superior Court at Trenton, New Jersey on August 18, 1959.

You are notified that you are required to serve your answer to plaintiff's complaint, upon Benjamin Braslow, attorney for plaintiff, 1060 Broad Street, Newark, New Jersey, or to move against the complaint, the writ of attachment, or the Sheriff's levy thereunder within 20 days after October 1, 1959, the date of the last publication provided for in this cause. If you fail so to do, judgment by default may be taken against you for the relief demanded in the complaint. Your answer and proof of service thereof in duplicate shall be filed with the Clerk of the Superior Court, State House Annex, Trenton, New Jersey in accordance with the rules of civil procedure and practice.

This action is brought upon a California judgment obtained against you heretofore by plaintiff.

Dated: September 4, 1959.
Benjamin Braslow
Attorney for Plaintiff
L.J.—Sept. 10, 17, 24, Oct. 1 $40.95

TAKE NOTICE, that Eugene Golembiewski, also known as Edward Golembieski and James Golembiewski or Golembeski; Irene Czeslawa Golembiewski, also known as Tessie Golembeski; and Rita Helene Golembiewski, an infant, by her father and natural guardian, Eugene Golembiewski, will apply to the Essex County Court, Court House, Newark, New Jersey, on September 23, 1959, at 10:00 o'clock A.M. for a judgment authorizing them to assume the names of EUGENE GILBERT, IRENE GILBERT and RITA HELENE GILBERT, respectively.

Eugene Golembiewski, also known
as Edward Golembieski and
James Golembiewski or Golembeski
Irene Czeslawa Golembiewski, also
known as Tessie Golembeski
Rita Helene Golembiewski, by
Eugene Golembiewski, her
natural guardian
Howard I. Schlesinger,
Attorney,
868 Broad Street
Newark 2, New Jersey
L.J.—Aug. 27, Sept. 3, 10, 17 $18.90

Dated: August 24, 1959
ESTATE OF NELLIE FARLEY, deceased.

Pursuant to the order of CHARLES A. STANZIALE, Surrogate of the County of Essex, this day made, on the application of the undersigned, executrices of said deceased, notice is hereby given to the creditors of said deceased, to exhibit to the subscriber under oath or affirmation, their claims and demands against the estate of said deceased, within six months from this date, or they will be forever barred from prosecuting or recovering the same against the subscribers.

MARGARET FARLEY
TERESA O'LEARY
Charles J. Farley, Attorney
9 Clinton St.
Newark, N. J.
L.J.—Sept. 3, 10, 17, 24, Oct. 1

STATE OF NEW JERSEY
DEPARTMENT OF STATE
CERTIFICATE OF DISSOLUTION
To all to whom these presents may come,
Greeting:

WHEREAS, It appears to my satisfaction, by duly authenticated record of the proceedings for the voluntary dissolution thereof by the unanimous consent of all the stockholders, deposited in my office, that
HUDSON QUILTING COMPANY, INC.
a corporation of this State, whose principal office is situated at No. 5701 Bergenline Avenue, in the Town of West New York, County of Hudson, State of New Jersey (Mitchell J. Arkush, being the agent therein and in charge thereof, upon whom process may be served), has complied with the requirements of Title 14, Corporations, General, of Revised Statutes of New Jersey, preliminary to the issuing of this Certificate of Dissolution.

NOW, THEREFORE, I, the Secretary of State of the State of New Jersey, Do Hereby Certify that the said corporation did, on the Twenty-first day of August, 1959, file in my office a duly executed and attested consent in writing to the dissolution of said corporation, executed by all the stockholders thereof, which said consent and the record of the proceedings aforesaid are now on file in my said office as provided by law.

IN TESTIMONY WHEREOF, I
have hereto set my hand and af-
fixed my official seal, at Trenton,
this Twenty-first day of August,
(Seal) A.D., one thousand nine hundred and
fifty-nine.
EDWARD J. PATTEN,
Secretary of State.
L.J.—Sept. 3, 10, 17 $21.60

STATE OF NEW JERSEY
DEPARTMENT OF STATE
CERTIFICATE OF DISSOLUTION
To all to whom these presents may come,
Greeting:

WHEREAS, It appears to my satisfaction, by duly authenticated record of the proceedings for the voluntary dissolution thereof by the unanimous consent of all the stockholders, deposited in my office that
TRENCH DIGGERS, INC.
a corporation of this State, whose principal office is situated at No. 124 Princeton Avenue, in the City of Rahway, County of Union, State of New Jersey (Charles Maier, being the agent therein and in charge thereof, upon whom process may be served), has complied with the requirements of Title 14, Corporations, General, of Revised Statutes of New Jersey, preliminary to the issuing of this Certificate of Dissolution.

NOW, THEREFORE, I, the Secretary of State of the State of New Jersey, Do Hereby Certify that the said corporation did, on the Twenty-seventh day of August, 1959, file in my office a duly executed and attested consent in writing to the dissolution of said corporation, executed by all the stockholders thereof, which said consent and the record of the proceedings aforesaid are now on file in my said office as provided by law.

IN TESTIMONY WHEREOF, I
have hereto set my hand and af-
fixed my official seal, at Trenton,
this Twenty-seventh day of August,
(Seal) A.D., one thousand nine hundred and
fifty-nine.
EDWARD J. PATTEN,
Secretary of State.
L.J.—Sept. 3, 10, 17 $21.60

STATE OF NEW JERSEY
DEPARTMENT OF STATE
CERTIFICATE OF DISSOLUTION
To all to whom these presents may come
Greeting:

WHEREAS, It appears to my satisfaction, by duly authenticated record of the proceedings for the voluntary dissolution thereof by the unanimous consent of all the stockholders, deposited in my office that
FENLON HOMES, INC.
a corporation of this State, whose principal office is situated at No. 743 Main Avenue, in the City of Passaic, County of Passaic, State of New Jersey (Morris Novick, being the agent therein and in charge thereof, upon whom process may be served), has complied with the requirements of Title 14, Corporations, General, of Revised Statutes of New Jersey, preliminary to the issuing of this Certificate of Dissolution.

NOW, THEREFORE, I, the Secretary of State of the State of New Jersey, Do Hereby Certify that the said corporation did, on the Thirty-first day of August, 1959, file in my office a duly executed and attested consent in writing to the dissolution of said corporation, executed by all the stockholders thereof, which said consent and the record of the proceedings aforesaid are now on file in my said office as provided by law.

IN TESTIMONY WHEREOF, I
have hereto set my hand and af-
fixed my official seal, at Trenton,
this Thirty-first day of August,
(Seal) A.D., one thousand nine hundred and
fifty-nine.
EDWARD J. PATTEN,
Secretary of State.
L.J.—Sept. 10, 17, 24 $21.60

STATE OF NEW JERSEY
DEPARTMENT OF STATE
CERTIFICATE OF DISSOLUTION
To all to whom these presents may come,
Greeting:

WHEREAS, It appears to my satisfaction, by duly authenticated record of the proceedings for the voluntary dissolution thereof by the unanimous consent of all the stockholders, deposited in my office that
WALCO PRODUCTS INC.
a corporation of this State, whose principal office is situated at No. 60 Franklin Street, in the City of East Orange, County of Essex, State of New Jersey (Lowell Walcutt, being the agent therein and in charge thereof, upon whom process may be served), has complied with the requirements of Title 14, Corporations, General, of Revised Statutes of New Jersey, preliminary to the issuing of this Certificate of Dissolution.

NOW, THEREFORE, I, the Secretary of State of the State of New Jersey, Do Hereby Certify that the said corporation did, on the Twenty-fourth day of August, 1959, file in my office a duly executed and attested consent in writing to the dissolution of said corporation, executed by all the stockholders thereof, which said consent and the record of the proceedings aforesaid are now on file in my said office as provided by law.

IN TESTIMONY WHEREOF, I
have hereto set my hand and af-
fixed my official seal, at Trenton,
this Twenty-fourth day of August,
(Seal) A.D., one thousand nine hundred
and fifty-nine.
EDWARD J. PATTEN,
Secretary of State.
L.J.—Sept. 10, 17, 24, Oct. 1 $28.35

Dated: August 18, 1959
ESTATE OF SOPHIE PRIEST, deceased.

Pursuant to the order of CHARLES A. STANZIALE, Surrogate of the County of Essex, this day made, on the application of the undersigned, Administratrix of said deceased, notice is hereby given to the creditors of said deceased, to exhibit to the subscriber under oath or affirmation, their claims and demands against the estate of said deceased, within six months from this date, or they will be forever barred from prosecuting or recovering the same against the subscriber.

ROSE H. LAPPIN
David T. Schulman, Attorney
188 Clinton Pl.
Newark 12, N. J.
L.J.—Aug. 27, Sept. 3, 10, 17, 24

STATE OF NEW JERSEY
DEPARTMENT OF STATE
CERTIFICATE OF DISSOLUTION
To all to whom these presents may come,
Greeting:

WHEREAS, It appears to my satisfaction, by duly authenticated record of the proceedings for the voluntary dissolution thereof by the unanimous consent of all the stockholders, deposited in my office that
BARBARRY REALTY CO.
a corporation of this State, whose principal office is situated at No. 9 Clinton Street, in the City of Newark, County of Essex, State of New Jersey (Jack A. Skarbnik, being the agent therein and in charge thereof, upon whom process may be served), has complied with the requirements of Title 14, Corporations, General, of Revised Statutes of New Jersey, preliminary to the issuing of this Certificate of Dissolution.

NOW, THEREFORE, I, the Secretary of State of the State of New Jersey, Do Hereby Certify that the said corporation did, on the Second day of September, 1959, file in my office a duly executed and attested consent in writing to the dissolution of said corporation, executed by all the stockholders thereof, which said consent and the record of the proceedings aforesaid are now on file in my said office as provided by law.

IN TESTIMONY WHEREOF, I
have hereto set my hand and af-
fixed my official seal, at Trenton,
this Second day of September,
(Seal) A.D., one thousand nine hundred
and fifty-nine.
EDWARD J. PATTEN,
Secretary of State.
L.J.—Sept. 10, 17, 24 $21.60

SHERIFF'S SALE
SUPERIOR (LAW) F-52
SUPERIOR COURT OF NEW JERSEY
LAW DIVISION, ESSEX COUNTY
DOCKET NOS. L-9977-58 & J-8523-58

Blackstone Investment Co., a corp. of N. J., Plaintiff, vs. Sylvia Garner, Defendant. EXECUTION.

By virtue of the above stated writ of EXECUTION, to me directed, I shall expose for sale by Public Vendue, in Room B-16, at the COURT HOUSE, in Newark, on Tuesday, the 29th day of September, next, at 1:30 p.m. (Prevailing Time), all the right, title and interest of the above named defendant, of, in and to all those tracts or parcels of land and premises situate, lying and being in the City of Newark, Essex County, New Jersey, by selling so much of the same as may be needful and necessary for the purpose:

BEGINNING at a point in the westerly line of Pennsylvania Avenue 30' northerly from the northwesterly corner of said avenue and Astor Street and from thence running (1) northerly along said line of Pennsylvania Avenue 30 ft.; thence (2) at right angles to said avenue westerly 100 ft.; thence (3) running parallel with said line of Pennsylvania Avenue southerly 30 ft. and thence (4) at right angles with said line of Pennsylvania Avenue easterly 100 ft. to the point and place of Beginning.

Being commonly known as 104 Pennsylvania Avenue.

Being the same premises conveyed to Sylvia Garner by deed of Leon R. Ross, and Miriam Ross, his wife, and Jacob Cohen and Lily Cohen, his wife, dated November 20, 1954, and recorded on November 26, 1954, in Book 3274 on page 92.

BEGINNING in the easterly line of Seymour Avenue at a point therein distant southerly 120 ft. 4 in. from the southerly line of Madison Avenue; thence south 24° 21' west along the easterly line of Seymour Avenue 33'; thence south 65° 39' east 122'; thence north 24° 21' east 33 ft.; thence north 65° 39' west 122' to the easterly line of Seymour Avenue and place of Beginning.

Being Lot No. 45 and parts of Lot Nos. 44 and 46 on a Map of Prop. of Ezra Reeve, situate in Clinton Township, Essex County, New Jersey, made in 1891, by Messrs. Lehlbach Bros.

The dwelling in said premises being designated as street No. 62 Seymour Avenue, Newark, New Jersey, on a survey made by Messrs. Lehlbach Bros., Surveyors, dated February 19, 1928, from which survey the above description is drawn.

Being the same premises conveyed to Sylvia Garner by deed of Albert Jackson and Bernice Jackson, his wife, dated July 23, 1953, and recorded in Book 3153 of deeds on page 582 on July 29, 1953.

Being commonly known as 62 Seymour Avenue, Newark, New Jersey.

The approximate amount of the Judgment to be satisfied by said sale is the sum of Four Thousand, Nine Hundred and Forty-One Dollars and Twenty-one Cents ($4,941.21), together with the costs of this sale.

Newark, New Jersey, August 24, 1959.
NEIL G. DUFFY, Sheriff.
Blume and Blume, Attorneys.
L.J.—Sept. 3, 10, 17, 24 $61.74

SHERIFF'S SALE
SUPERIOR (CHAN.) C-482
SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION, ESSEX COUNTY
DOCKET NO. F-1988-58

Between Louis Anderson, Plaintiff, and James Hughes and Inez Hughes, his wife, Harris Britt, Artis Melvin, Blackstone Investment Company, also known as Blackstone Investment Corporation, a corporation, and Eagle Oil Co., a corporation, Defendants. EXECUTION For Sale of Mortgaged Premises.

By virtue of the above stated writ of EXECUTION, to me directed, I shall expose for Sale by Public Vendue, in Room B-16, at the COURT HOUSE, in Newark, on Tuesday, the sixth day of October, next, at 1:30 p.m. (Prevailing Time), all the following tract or parcel of land and premises hereinafter particularly described, situate, lying and being in the City of Newark, Essex County, New Jersey:

BEGINNING in the easterly line of Hunterdon Street at a point therein distant northerly three hundred seventy-five feet from the northeasterly corner of the same and Spruce Street (now 18th Avenue), thence running northerly along said easterly line of Hunterdon Street twenty-five feet; thence easterly at right angles to Hunterdon Street two hundred feet more or less, as set forth in deed description, 223.95 feet as set forth by survey of Amos O. Nisenson, C.E., dated June 22, 1946, to the rear line of lots fronting on Fairview Avenue; thence southerly along said rear line twenty-five feet by deed and 25.87 feet by survey; thence westerly and at right angles to Hunterdon Street two hundred feet more or less, as set forth in the deed description, and two hundred and seventeen feet and twenty-eight hundredths feet as set forth in survey, to the easterly line of Hunterdon Street and point and place of beginning.

Being known as 378 Hunterdon Street, Newark, New Jersey.

The approximate of the Judgment to be satisfied by said sale is the sum of Thirteen Thousand, Seven Hundred Sixty-eight Dollars and Ninety-five Cents ($13,768.95) together with the costs of this sale.

The premises will be sold subject to taxes for second half of 1958, taxes for all of 1959, rights of parties in possession, facts that an accurate survey may disclose, zoning ordinances, easements and restrictions of record.

Newark, New Jersey, August 31, 1959.
NEIL G. DUFFY, Sheriff.
Jacob Lubetkin, Attorney
L.J.—Sept. 10, 17, 24, Oct. 1 $49.14

Federal Tax Notes

By Harold Kamens

Rev. Rul. 59-195: GROSS INCOME DEFINED: Where an employer purchases and pays the premiums on an insurance policy on the life of one of its employees and subsequently sells such policy, on which further premiums must be paid, to the employee, the value of the policy, for computing taxable gain to the employee in the year of purchase, is its interpolated terminal reserve value at the date of the sale, plus the proportionate part of any premiums paid by the employer prior to the date of the sale which is applicable to a period subsequent to the date of the sale.

Rev. Rul 59-197: DISTRIBUTION OF STOCK AND SECURITIES OF A CONTROLLED CORPORATION: For bona fide business reasons, a family owned corporation engaged in the active conduct of two businesses for many years transferred the assets of one of the businesses to a new corporation in exchange for preferred and common stock. The stock was then exchanged by the transferor corporation for some of its own stock. Immediately prior to the transfer, a key employee of the business transferred was permitted to purchase a minority stock interest in the transferor corporation and this stock was exchanged for one-half of the common stock of the new corporation. At the same time, another person exchanged all his stock in the transferor corporation for the other half of the common and all of the preferred stock of the new corporation. The one-half of the common stock received by the key-employee represented 18 percent of the entire stock equity of the new corporation and had one-third of the voting power. Held, the transactions constitute a reorganization under section 368(a)(1)(D) and exchanges under section 355 of the Internal Revenue Code of 1954. The prior sale to the key-employee will not disqualify the transactions under section 1.355-2 of the Income Tax Regulations since this sale does not make them a device to distribute a dividend nor cause them to violate the continuity of interest requirement. Held further, that the preferred stock of the new corporation is "section 306 stock" in the hands of the shareholder receiving it.

Rev. Rul 209: INCOME AND DEDUCTIONS: Servicing fees retained by mortgage bankers, for servicing mortgage loans after their acquisition by life insurance companies from or through such bankers, do not constitute premiums amortizable under section 803(e) of the Internal Revenue Code of 1954, even though the bankers remit only the net proceeds (collections less service charges) to the insurance companies. The interest on the loans received by the bankers in behalf of the companies is includible in full in the gross income of the companies. The service charges are deductible by the companies as investment expenses under and within the limitations of section 803(c)(2) of the Code.

Rev. Rul. 59-210: GAIN FROM SALE OF CERTAIN PROPERTY BETWEEN SPOUSES OR BETWEEN AN INDIVIDUAL AND A CONTROLLED CORPORATION: Where the holder of a patent transfers all of the substantial rights in the patent to a corporation in which he owns more than 80 percent in value of the outstanding stock and the patent in the hands of the transferee is property of a character which is subject to an allowance for depreciation, the transaction and the amounts realized therefrom do not fall within the scope of section 1235 of the Internal Revenue Code of 1954. The transaction constitutes a sale of property described in section 1239 of the Code, and the proceeds are taxable as ordinary income.

Assignment Order

SUPREME COURT OF
NEW JERSEY

ORDERED that the temporary assignment of Judge Vito A. Concilio to the Hudson County Court for the weeks of October 12 and 19, 1959, and the temporary assignments of the following judges to the Essex County District Court are hereby cancelled: Judge Isidor M. Dubrow for the week of September 28, 1959; Judge Charles R. Morrison for the week of October 5, 1959; Judge Edward T. Kelly for the week of October 12, 1959; and Judge Martin Bry-Nildsen, Jr. for the week of October 19, 1959.

FURTHER ORDERED that, in addition to their regular assignments, the following judges are temporarily assigned as follows:

Week of October 12, 1959

Judge Vito A. Concilio to the Essex County Court, except Friday;

Judge C. Conrad Schneider to the Essex County Court; and

Judge Edward T. Kelly to the Bergen County District Court.

Week of October 19, 1959

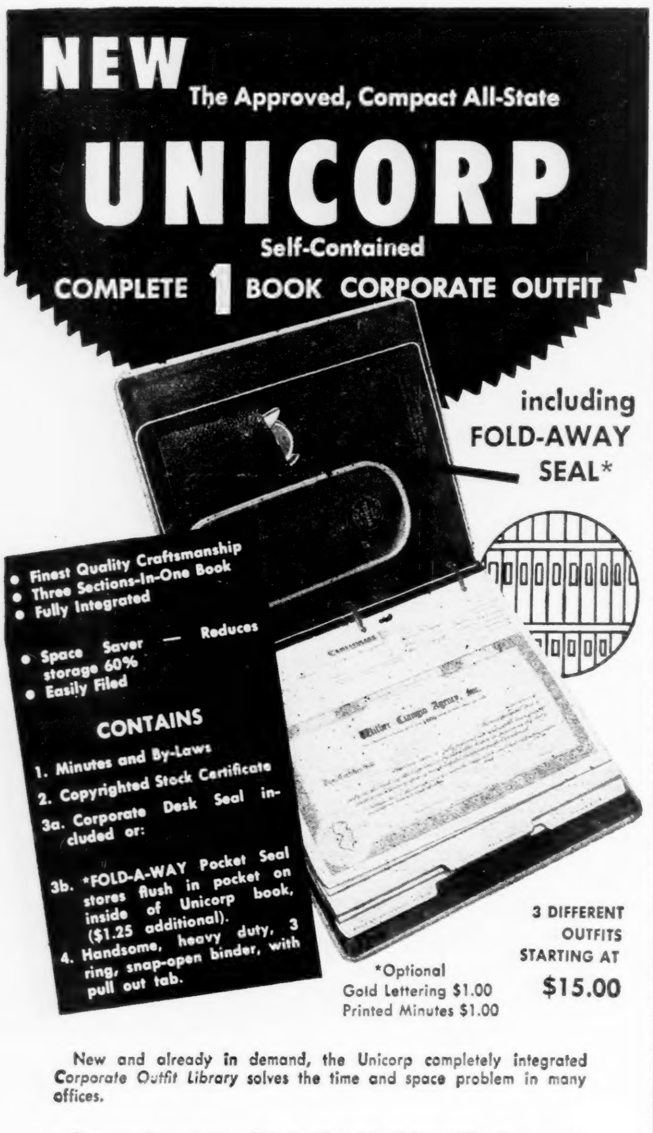
Judge Vito A. Concilio to the Essex County Court, except Friday;

Judge C. Conrad Schneider to the Essex County Court; and

Judge Martin Bry-Nildsen, Jr. to the Bergen County District Court.

/s/ JOSEPH WEINTRAUB
C. J.

Dated: September 14, 1959.



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Bankruptcies

The names of the Referees are abbreviated as follows: L-Lipkin; T-Tallyn; F-Fishberg.

BAKER, Henry K., 684 Beers St., Hazelet: vol.; liab. $2,799.54; assets $179.57; refr. L.T. & F.; solr. R. Greenberg; 9-8.

BAKER, Olga Roberta, 684 Beers St., Hazelet; vol.; liab. $2,799.54; assets $75; refr. L.T. & F.; solr. Robert Greenberg; 9-8.

BECAN Inc. t/a Tammy's, Rte. 4, Paramus; vol.; liab. $50,961.99; assets $26,910; refr. L.T. & F.; solr. Emil Weisser; 9-14.

BERRY, John Virginia, Apt. 64A, Airport Apts., Millville; vol.; liab. $5,128.14; assets $1,487.53; refr. L.T. & F.; solr. Peter Davidow; 9-10.

BERRY, David Franklin, Apt. 64A, Airport Apts., Millville; vol.; liab. $5,128.14; assets $1,837.53; refr. L.T. & F.; solr. J. Peter Davidow; 9-10.

BROWN, Robert W., 544 Berlin Rd., Clementon; vol.; liab. $6,464.62; assets $6,171; refr. L.T. & F.; solr. Jos. A. Maressa; 9-8.

GLEN Inn Corp., The, 418 Pavilion Ave., Riverside; Invol.; refr. L.T. & F.; solr. Epstein & F.; 9-11.

KLODE Hotel Inc., Callis Rd., Mount Freedom; vol.; liab. $114,531.13; assets $38,850; refr. L.T. & F.; solr. Ravin & R.; 9-10.

LACK, Barbara Ann, 45 Broad St., Summit; vol.; liab. $4,474; assets $500; refr. L.T. & F.; solr. Moser, G. & K.; 9-8.

LACK, Edward Thomas, 45 Broad St., Summit; vol.; liab. $10,931.61; assets $810; refr. L.T. & F.; solr. Moser, G. & K.; 9-8.

LUMA Home Products Inc., 111 Highland Parkway, Roselle; Invol.; refr. L.T. & F.; solr. Joseph V. Cullum; 9-11.

MAXWELL, Andrew D., Jr., 274 Broadway, Paterson; Invol.; refr. L.T. & F.; solr. Waks & W.; 9-8.

MUDD, Alban P.; 541A Morris Ave., Springfield; vol.; liab. $34,396.88; assets $898.96; refr. L.T. & F.; solr. Bilder, B. & F.; 9-9.

MUDD, Alice A., 541A Morris Ave., Springfield; vol.; liab. $29,871.16; assets $171; refr. L.T. & F.; solr. Bilder, B. & F.; 9-9.

NIEDERMAN'S - Perth Amboy Inc., 167 Smith St., Perth Amboy; Invol.; refr. L.T. & F.; solr. Kleinberg, M. & M.; 9-14.

NINO Food Products Inc., 418 N. 5th St., Newark; Chap. XI; liab. $111,571.32; assets $64,202.93; refr. L.T. & F.; solr. Kleinberg, M. & M.; 9-10.

O'DEA, James R., 3 Glen Ridge Parkway, Montclair; vol.; liab. $10,586.74; assets $500; refr. L.T. & F.; solr. Richard M. Glassner; 9-14.

PIETRO, Samuel Della, Box #47, Mill Creek Rd., Bayville; vol.; liab. $4,019; assets $3,000; refr. L.T. & F.; solr. Nevins, N. & O.; 9-10.

ROMANO, Rickie G., 6 Ware Pl., Middletown; vol.; liab. $23,188.68; assets $1,706; refr. L.T. & F.; solr. George Rothstein; 9-11.

SCHREYER, Theodore, 261 Central Ave., Paramus; vol.; liab. $2,105.56; assets $500; refr. L.T. & F.; solr. Richard M. Glassner; 9-8.

STERN, Alfred Arnold, 1 Evelyn Ct., Atlantice City; vol.; liab. $11,003.85; assets $450; refr. L.T. & F.; solr. Joseph Lazarow; 9-8.

U. S. CONSTRUCTION Corporation, 118 Locust St., Roselle; vol.; liab. $64,049.77; assets $7,055; refr. L.T. & F.; solr. Kleinberg, M. & M.; 9-11.

WRIGHT, George I., Jr., Rt. 38, Mt. Holly; vol.; liab. $3,869.01; assets $155; refr. L.T. & F.; solr. Edward H. Flemming; 9-9.

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